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MISCELLANEOUS CONVEYANCES, EXCHANGES, AND BOUNDARY MODIFICATIONS OF CERTAIN PUBLIC LANDS AND UNITS OF THE NATIONAL PARK SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED
WATER AND RESOURCE CONSERVATION

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

ON

S. 1971, S. 2194, S. 2599, S. 2698, S. 2758, S. 2812, H.R. 4037, S.J. Res. 372, and H.R. 4645

SEPTEMBER 19, 1986

Printed for the use of the
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S311-29

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MISCELLANEOUS CONVEYANCES, EXCHANGES, AND BOUNDARY MODIFICATIONS OF CERTAIN PUBLIC LANDS AND UNITS OF THE NATIONAL PARK SYSTEM

FRIDAY, SEPTEMBER 19, 1986

U.S. SENATE, SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Chic Hecht presiding.

Present: Senators Hecht, Domenici, and Bingaman.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. CHIC HECHT, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator HECHT. Good morning, ladies and gentlemen.

This morning the Subcommittee on Public Lands, Reserved Water and Resource Conservation will hear testimony on the following measures:

S. 1971, to transfer certain lands under the jurisdiction of the Secretary of the Interior to the city of Mesquite, Nevada;

S. 2194, to authorize the conveyance of 40 acres in Nevada to the Catholic Diocese of Reno/Las Vegas;

S. 2599, to declare that the United States holds certain public domain lands in trust for the pueblo of Zia;

S. 2698, to transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests;

S. 2758, to authorize the exchange of certain lands in the States of Nevada and Florida;

S. 2812 and H.R. 4037, relating to the Indiana Dunes National Lakeshore, and for other purposes;

S.J. Res. 372, authorizing establishment of a memorial to honor America's astronauts; and

H.R. 4645, an act to modify the boundaries of the Cuyahoga Valley National Recreation Area.

I will place a copy of each of these bills in the hearing record.

[The texts of the bills follow:]

II

99TH CONGRESS
1ST SESSION

S. 1971

To transfer certain lands under the jurisdiction of the Secretary of the Interior to the city of Mesquite, Nevada.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18 (legislative day, DECEMBER 16), 1985

Mr. LAXALT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To transfer certain lands under the jurisdiction of the Secretary of the Interior to the city of Mesquite, Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall transfer to the city of Mesquite, Nevada, in consideration for the payment of transfer costs, the following described lands:

(1) Township 13 South, Range 71 East, M.D.M.: Section 7, (all), 640 acres; Section 8, lots 1, 2, 3, (109.15), NW1/4 NE1/4, (40), S1/2 NE1/4, (80), NE1/4 NE1/4, (40), NW1/4, (160), N1/2 S1/2, (160), SW1/4 SW1/4, (40) 629.15 acres; Section 9,

lots 1, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, (219.93), Parcel "A", Parcel "B", NE1/4, (160), NE1/4 NW1/4, (40), NW1/4 NW1/4, (40), S1/2 NW1/4, (80), N1/2 SW1/4, (80) 619.93 acres; Section 10, lots 5, 6, 7, (79.64), E1/2 NW1/4, (80), NE1/4 SW1/4, (40), (lots 8 and 9, 57.04 acres, are included in airport lease N-33613. These lands are not included in the above description) 199.64 acres; Section 15, lots 5, 6, 7, 8, (91.33), E1/2 SW1/4, (80), 171.33 acres; Section 16, lots 1, 2, 3, 4, 5, (96.35), S1/2 SE1/4, (80), 176.35 acres; Section 17, lots 1 and 2 41.99 acres; Section 18, lots 5, 6, 7, (116.01), NW1/4 NE1/4, (40), N1/2 NW1/4, (80), 236.01 acres; Section 19, lots 6, 7, 8, 47.78 acres; Section 20, lots 1, 2, 3, 6, 7, (70.26), S1/2 NE1/4, (80), NE1/4 SE1/4 NW1/4, (10), E1/2 SW1/4, (80), SE1/4, (160) (the W1/2 SW1/4 (80 acres), is encumbered by two material site rights-of-way. The remainder of the section is in private ownership.) 400.26 acres; Section 21, ALL 640 acres; Section 22, partial; 256 acres.

(2) Township 13 South, Range 70 East, M.D.M.: Section 12, ALL 640 acres; Section 13, N1/2 (320), N1/2 S1/2, (160), S1/2 SW1/4, (80) 560 acres; Section 14, ALL 640 acres; and

(3) Township 13 South, Range 70 East, M.D.M.: Section 23, lots 1 and 2, (76.71), N1/2, (320), SW1/4, (160), NW1/4 SE1/4, (40) 596.71 acres; Section 24, lots 2, 3, 6, (84.39), W1/2 NW1/4, (80) 164.39 acres, Section 25, lots 1, 2, 3, 4, 5, 5.46 acres; Section 26, lots 1, 2, 3, 4, (148.04), N1/2 NW1/4, (80) 228.04 acres;

comprising approximately 6,892.69 acres.

○

II

99TH CONGRESS
2D SESSION

S. 2194

To authorize the conveyance of 40 acres in Nevada to the Catholic Diocese of Reno/Las Vegas.

IN THE SENATE OF THE UNITED STATES

MARCH 14 (legislative day, MARCH 10), 1986

Mr. LAXALT (for himself and Mr. HECHT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the conveyance of 40 acres in Nevada to the Catholic Diocese of Reno/Las Vegas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the Secretary of the Interior shall convey to the Catholic Diocese of Reno/Las Vegas, Nevada, the lands described in subsection (b).

(b) The lands to be conveyed pursuant to subsection (a) are comprised of one 40-acre parcel described as NW ¼ of SW ¼ of Sec. 13 Township 19 S. Range 61 E. MDB and M.

○

II

99TH CONGRESS
2D SESSION

S. 2599

To declare that the United States holds certain public domain lands in trust for the Pueblo of Zia.

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 23), 1986

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To declare that the United States holds certain public domain lands in trust for the Pueblo of Zia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. All rights, title, and interests of the United States in the surface and mineral estates (including oil and gas) of the following lands under the jurisdiction of the Bureau of Land Management of the Department of the Interior that are situated within Sandoval County in the State of New Mexico are hereby declared to be held by the United States in trust for the benefit and use of the Pueblo of Zia:

Southeast quarter of the northeast quarter and the southeast quarter of Section 24, Township 15 North, Range 1 East, New Mexico Principal Meridian;

All of Section 25, Township 15 North, Range 1 East, New Mexico Principal Meridian;

South half of the southwest quarter and the southeast quarter of Section 26, Township 15 North, Range 1 East, New Mexico Principal Meridian;

All of Section 35, Township 15 North, Range 1 East, New Mexico Principal Meridian; and

East half of the northeast quarter and the northeast quarter of the southeast quarter of Section 3, Township 14 North, Range 1 East, New Mexico Principal Meridian,

Containing 1,840 acres, more or less.

SEC. 2. (a) Upon enactment of this Act and subject to the other provisions of this Act, the lands described in section 1 shall be administered in accordance with the laws generally applicable to property held in trust by the United States for Indian tribes.

(b) All gross receipts (including, but not limited to, bonuses, rents, and royalties) which—

(1) are derived by the United States from any contract, permit, or lease relating to the surface or mineral estate in the lands described in section 1, and

(2) are received by the United States after the date of enactment of this Act,

shall be administered in accordance with the laws generally applicable to receipts from property held in trust by the United States for Indian tribes.

SEC. 3. All lands described in section 1 and all the receipts from such lands referred to in section 2(b), shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. No distribution of such receipts to tribal members shall be considered as—

(1) income or resources of such members for purposes of any such taxation, or

(2) income or resources of such members for purposes of denying or reducing (or otherwise utilized as the basis for denying or reducing) financial assistance or other benefits to such member, or the household of such member, under the Social Security Act or any other Federal or federally assisted program.

SEC. 4. Notwithstanding any other provision of law, all applications for mineral leases involving the lands described in section 1, including oil and gas leases, pending on the date of enactment of this Act shall be rejected and the advance rental payments returned to the applicants.

SEC. 5. (a) Nothing in this Act shall deprive any person (other than the United States) of any lease, right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the surface or mineral estate of any lands described in section 1 on the day before the date of enactment of this Act.

(b) The water rights appurtenant to the lands described in section 1 shall be those water rights that are appurtenant to such lands under State law on the day before the date of enactment of this Act. Nothing in this Act shall be construed to create or affect any water rights other than those that are appurtenant to such lands under State law on the day before the date of enactment of this Act.

(c)(1) Nothing in this Act shall affect the right-of-way over any lands described in section 1 for a 115–KV transmission line by Plains Electric Generation and Transmission Cooperative, Inc., granted by the Bureau of Land Management of the Department of the Interior on April 18, 1961, and bearing identification number NM0149992.

(2) Plains Electric Generation and Transmission Cooperative, Inc., and its successors and assigns, shall be permitted to renew the right-of-way described in paragraph (1) under rules and regulations of the Secretary—

(A) to the same extent and in the same manner as would be permitted had this Act not been enacted, and

(B) for fees which are not greater than the fair value as determined by the Bureau of Land Management of the Department of the Interior.

(3) No charge, fee, or tax may be imposed by the Pueblo of Zia on any lands, facilities, activities, or revenues in connection with the right-of-way described in paragraph (1), except for fees charged with respect to any renewed right-of-way described in paragraph (2).

(d)(1) Nothing in this Act shall affect—

(A) the oil and gas lease issued on May 1, 1983, by the United States to Yates Petroleum Corporation, bearing Serial No. NM 55801,

(B) the oil and gas lease issued December 1, 1977, by the United States to Merle C. Chambers, Denver, Colorado, bearing Serial No. NM 31557,

(C) any other oil or gas leases that were valid and subsisting on the day before the date of enactment of this Act,

(D) any rights, terms, conditions, and covenants (both express and implied) granted under any oil or gas lease referred to in any of the preceding subparagraphs, and

(E) reasonable access (including but not limited to rights of ingress and egress) across lands described in section 1 or which are otherwise owned by or under the control of the Pueblo of Zia insofar as it may be necessary to cross such lands in order to reach lands subject to any oil or gas lease referred to in any of the preceding subparagraphs.

(2)(A) Notwithstanding section 2(a), the lands described in section 1 which are subject to the leases described in paragraph (1) shall continue to be administered by the Bureau of Land Management of the Department of the Interior in conformity with the laws and policies applicable to oil and gas operations on the public domain.

(B) All gross receipts from any leases described in paragraph (1) shall be administered in accordance with the laws generally applicable to receipts from property held in trust by the United States for Indian tribes.

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II

99TH CONGRESS
2D SESSION

S. 2698

To transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests.

IN THE SENATE OF THE UNITED STATES

JULY 29 (legislative day, JULY 28), 1986

Mr. LAXALT (for himself and Mr. HECHT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forests of Nevada Enhancement Act of 1986".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—That Congress finds that—

(1) the public lands transferred by this Act contain valuable natural resources (such as watershed, range, outdoor recreation and wildlife habitat) which will be

enhanced by the professional, multiple-use management of the United States Forest Service;

(2) the publics which utilize these natural resources will be benefited by such management;

(3) the public lands transferred by this Act are adjacent to existing national forests and, in many cases, are part of the same watersheds and mountain ranges, placing the management of these lands under the administration of one agency, the Forest Service, will improve efficiency and be cost effective; and

(4) there is a consensus in Nevada as shown in public hearings held throughout the State that these lands should be added to the national forests.

(b) PURPOSE.—The purpose of this Act is to transfer to the Forest Service, United States Department of Agriculture, certain public lands in Nevada currently administered by the Bureau of Land Management, United States Department of the Interior. These public lands are contiguous to the Toiyabe, Humboldt, and Inyo National Forests and will become National Forest System lands.

SEC. 3. TRANSFER OF PUBLIC LANDS TO THE FOREST SERVICE.

(a) TRANSFER.—(1) The public lands designated for inclusion in the National Forest System on a map entitled "   ", dated   , and numbered , are hereby transferred to the Secretary of Agriculture and shall become part of the Toiyabe National Forest, the Humboldt National Forest, or the Inyo National Forest (as the case may be). Such lands shall be administered in accordance with the laws, rules, and regulations applicable to the national forests.

(2) The lands referred to in paragraph (1) include the following lands administered by the Secretary of the Interior:

(A) Lands in the Spring Mountains adjacent to Mount Charleston.

(B) Lands in the eastern Sierras.

(C) Lands on the east side of the Ruby Mountains.

(D) Lands adjacent to the Utah border and Mount Moriah.

(b) BOUNDARIES OF TOIYABE, HUMBOLDT, AND INYO NATIONAL FORESTS.—(1) The boundary of the Toiyabe National Forest, the Humboldt National Forest, and the Inyo National Forest is hereby modified to reflect the transfer of lands under subsection (a).

(2) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundary of the Toiyabe National Forest, the Humboldt National Forest, and the Inyo National Forest, as modified by this subsection, shall be treated as if it were the boundary of those National Forests as of January 1, 1965.

(c) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in the offices of the Chief, Forest Service, Department of Agriculture, and the Director, Bureau of Land Management, Department of the Interior. The Secretary of Agriculture may make changes to the map to correct technical errors.

SEC. 4. WILDERNESS SUITABILITY.

(a) BLM STUDY AREAS.—Any area or portion thereof designated as a Bureau of Land Management Wilderness Study Area (Mount Stirling, NV-050-401; LaMadre Mountains, NV-050-412) on the map referred to in section 3(a)(1) which is made a part of the National Forest System by this Act and for which a wilderness suitability study is complete or underway on the date of enactment of this Act, shall be managed by the Secretary of Agriculture in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) until Congress designates that area as wilderness or releases it from further wilderness consideration.

(b) ROADLESS AREAS NOT RECOMMENDED AS WILDERNESS.—Any roadless area or portion thereof which is made a part of the National Forest System by this Act and which has been considered but not recommended for designation as wilderness pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) shall be deemed to have been adequately considered for wilderness for the purposes of the initial land management plans hereafter required for such lands by section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). The Secretary of Agriculture shall not be required to manage such area to preserve wilderness values or to review the wilderness option before the revision of such plans, but the Secretary shall review the wilderness option for such area when such plans are revised.

(b) NO ADDITION TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—Nothing in this Act shall be construed to add lands to the National Wilderness Preservation System.

SEC. 5. WATER RIGHTS.

(a) PRIOR EXISTING WATER RIGHTS.—Nothing in this Act shall be construed to expand or diminish any water right of the United States under State or Federal law which the United States had, or may be determined to have had by purchase, reservation, or otherwise, before the date of enactment of this Act.

(b) NO FEDERAL RESERVED WATER RIGHTS BY REASON OF TRANSFER.—The designation and withdrawal of newly established national forest lands by this Act shall not create any reserved water rights in the United States by reason of this Act with respect to those lands.

(c) RIGHT TO ACQUIRE AND DISPOSE OF WATER RIGHTS.—Nothing in this Act shall affect the right of the United States or of any person to acquire or dispose of water or water rights under applicable law.

SEC. 6. MANAGEMENT OF MINERAL RESOURCES.

Nothing in this Act shall be construed to change the law governing the management of subsurface mineral resources.

SEC. 7. ADMINISTRATIVE APPEALS.

With respect to the lands transferred by section 3(a), any formal administrative appeal, adjudication, or review pending on the date of enactment of this Act shall be completed by the Secretary of the Interior, except that the Secretary of Agriculture may exercise final administrative review.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "public lands" means the lands administered by the Bureau of Land Management, United States Department of the Interior, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(e)); and

(2) the term "National Forest System" means the lands administered by the Forest Service, United States Department of Agriculture, and has the same meaning as defined in section 11 of the Forest and

Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

○

II

99TH CONGRESS
2D SESSION

S. 2758

To authorize the exchange of certain lands in the States of Nevada and Florida.

IN THE SENATE OF THE UNITED STATES

AUGUST 14 (legislative day, AUGUST 11), 1986

Mrs. HAWKINS (for herself, Mr. LAXALT, and Mr. HECHT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the exchange of certain lands in the States of Nevada and Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada-Florida Land Exchange Authorization Act of 1986".

SEC. 2. AUTHORIZATION OF EXCHANGE.

(a) AUTHORIZATION OF EXCHANGE.—The Secretary of the Interior (in this Act referred to as the "Secretary") is authorized to exchange approximately 55,000 acres of public land in the State of Nevada, as generally depicted upon a map entitled "Coyote Canyon Exchange—Proposed", available for public inspection in the Office of the Secretary and the Nevada State Office of the Bureau of Land Management, for approximately 5,000 acres of private lands in Dade County, Florida, as generally depicted upon a map entitled "Aerojet Exchange—Proposed", available for inspection in the Office of the Secretary.

(b) Exchange Pursuant to FLPMA.—The exchange authorized by subsection (a) shall be carried out under the provisions of the Federal Land Policy and Management Act of 1976, notwithstanding the provisions of section 206(b) of such Act relating to the State in which the land to be exchanged is located.

SEC. 3. TRANSFER OF FLORIDA LANDS TO WATER MANAGEMENT DISTRICT.

(a) Sale to South Florida Water Management District.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to sell the lands acquired in accordance with the provisions of section 2(a) to the South Florida Water Management District at such price as may be mutually agreed upon by the Secretary and the District.

(b) Management of Property.—Pending the completion of the sale authorized in subsection (a), the Secretary is authorized to enter into a Memorandum of Agreement with the South Florida Water Management District providing for management of the property by the District in accordance with the rules and regulations applicable to the lands owned by the District.

SEC. 4. USE OF FUNDS RECEIVED.

(a) USE OF FUNDS RECEIVED BY UNITED STATES.—Notwithstanding any other provision of law, any funds received by the United States from the sale of lands authorized by section 3(a) shall be deposited in the "Contributed Fund Account" of the United States Fish and Wildlife Service, and shall be utilized for the purchase of additional lands at existing elements of the National Wildlife Refuge System in the State of Florida. Such funds shall be available for obligation without appropriation.

(b) NOTICE TO CONGRESS.—The Secretary shall notify the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives, of any proposal to obligate funds received in accordance with the provisions of subsection (a) at least 60 days prior to the actual obligation of such funds.

○

II

99TH CONGRESS
2D SESSION

S. 2812

Relating to the Indiana Dunes National Lakeshore, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11 (legislative day, SEPTEMBER 8), 1986

Mr. QUAYLE (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

Relating to the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIANA DUNES NATIONAL LAKESHORE.

(a) BOUNDARY CHANGES.—The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "December 1980, and bearing the number 626–91014" and inserting in lieu thereof "September 1986, and numbered 626–80033–A".

(b) DEFINITION OF IMPROVED PROPERTY.—Section 4 of such Act is amended by striking out the first sentence and substituting: "As used in this Act, the term 'improved property' means a detached, one-family dwelling which meets each of the following criteria.

"(1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.

"(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

"(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term 'appropriate map', means a map identified as 'Boundary Map-Indiana Dunes National Lakeshore' (or 'A Proposed Indiana Dunes National Lakeshore' in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

Property Within Boundaries of Map	Construction Began Before
Dated January 1986, #626-80033	February 1, 1986
Dated December 1980, #626-91014	January 1, 1981
Dated September 1976, #626-91007	February 1, 1973
Dated September 1966, #LNPNE-1008-ID	January 4, 1965

The term 'improved property' also includes the land on which the dwelling is situated which meets both of the following criteria:

"(A) The land is in the same ownership as the dwelling.

"(B) The Secretary has designated the land as reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B).".

(c) RETAINED RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u–5a) is amended as follows:

(1) Strike out "the first section" and inserting in lieu thereof "section 4, dated December 1980, and numbered 626–91014."

(2) Strike out ": *Provided,* That" and substitute a period followed by "In the case of improved property within the boundaries of the map dated December 1980 and numbered 626–91014".

(3) After "(a)" strike "Except for" and insert "(1) Except for owners described in paragraph (2) and".

(4) Strike "(1)" in each place it appears and substitute "(A)" and strike "(2)" and substitute "(B)".

(5) Add the following at the end thereof:

"(2)(A) In the case property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

"(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

"(B) The retention of rights under subparagraph (A) shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991 to sell to the Secretary.".

(d) AUTHORIZATION.—Section 9 of such Act (16 U.S.C. 460u-9) is amended as follows:

(1) In the first sentence strike "$11,000,000" and insert in lieu thereof "$20,000,000".

(2) Add after the last paragraph "In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act there are authorized to be appropriated in additional $4,350,000 to be used for such purposes. The Secretary shall conduct a feasibility study of establishing United States Highway 12 as the 'Indiana Dunes Parkway' under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and National Resources of the United States Senate within two years after the enactment of this sentence. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.".

(e) OWNER CONSENT REQUIRED.—Section 13 of such Act (16 U.S.C. 460u–13) is amended by changing "SEC. 13" to "SEC. 13. (a)", by striking out "the first section" and inserting in lieu thereof "section 4, dated December 1980 and numbered 626–91014", and by adding a new subsection (b) as follows:

"(b) The Secretary may acquire that portion of area IV–B in private ownership on the map referred to in section 1 of this Act only with the consent of the owner: *Provided,* That the Secretary may acquire an agricultural easement should the owner change the use in existence as of September 19, 1986, through eminent domain.".

(f) MAP REFERENCE.—Section 16 of such Act (16 U.S.C. 460u–16) is amended by inserting at the end of the first sentence "on the map referred to in section 4, dated September 1976, and numbered 626–9100".

(g) RIGHTS-OF-WAY.—Section 15 of such Act is amended by adding the following at the end thereof: "The Secretary may acquire only such interest in the rights-of-way designated 'Crossing B' and 'Crossing C' on the map dated September 1986 and numbered 626–80033–A as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within fifty feet on either side of the centerline of said river and creek.".

(h) COOPERATIVE AGREEMENT AND STUDY.—Add the following new section at the end of such Act:

"SEC. 24. LITTLE CALUMET RIVER AND BURNS/PORTAGE WATERWAY.

"(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Lakeshore identified as tract numbered 09–177 or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provisions for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this Act, including section 6(b).

"(b) STUDY.—The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the lakeshore. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and National Resources of the United States Senate within two years after the enactment of this section. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.".

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II

99TH CONGRESS
2D SESSION

H. R. 4037

IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1986

Received; read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 17 (legislative day, OCTOBER 14), 1986

Committee discharged

AN ACT

Relating to the Indiana Dunes National Lakeshore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIANA DUNES NATIONAL LAKESHORE.

(a) BOUNDARY CHANGES.—The first section of the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (16 U.S.C. 460u), is amended by striking out "December 1980, and bearing the number 626–91014" and inserting in lieu thereof "July 1986, and numbered 626–80033".

(b) Definition of Improved Property.—Section 4 of such Act is amended by striking out the first sentence and substituting: "As used in this Act, the term 'improved property' means a detached, one-family dwelling which meets each of the following criteria.

"(1) The construction of the dwelling began before the date (shown in the table contained in this section) corresponding to the appropriate map.

"(2) The property is located within the boundaries delineated on the map described in such table which corresponds to such date.

"(3) The property is not located within the boundaries of any other map referred to in such table which bears an earlier date.

The term 'appropriate map', means a map identified as 'Boundary Map-Indiana Dunes National Lakeshore' (or 'A Proposed Indiana Dunes National Lakeshore' in the case of a dwelling the construction of which was begun before January 4, 1965) which is dated and numbered as provided in the following table.

Property Within Boundaries of Map	Construction Began Before
Dated January 1986, #626-80033	February 1, 1986
Dated December 1980, #626-91014	January 1, 1981
Dated September 1976, #626-91007	February 1, 1973
Dated September 1966, #LNPNE-1008-ID	January 4, 1965

The term 'improved property' also includes the land on which the dwelling is situated which meets both of the following criteria:

"(A) The land is in the same ownership as the dwelling.

"(B) The Secretary has designated the land as reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use.

Such term also includes any structures accessory to the dwelling which are situated on the lands so designated. The maps referred to in this section shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior. The Secretary shall designate the land referred to in subparagraph (B).".

(c) RETAINED RIGHTS.—Section 5(a) of such Act (16 U.S.C. 460u–5a) is amended as follows:

(1) Strike out "the first section" and inserting in lieu thereof "section 4, dated December 1980, and numbered 626–91014."

(2) Strike out ": *Provided,* That" and substitute a period followed by "In the case of improved property within the boundaries of the map dated December 1980 and numbered 626–91014".

(3) After "(a)" strike "Except for" and insert "(1) Except for owners described in paragraph (2) and".

(4) Strike "(1)" in each place it appears and substitute "(A)" and strike "(2)" and substitute "(B)".

(5) Add the following at the end thereof:

"(2)(A) In the case property included within the boundaries of the lakeshore after 1980, any owner or owners of record of improved property may retain a right of use and occupancy for noncommercial residential purposes for a term ending at either of the following:

"(i) A fixed term not to extend beyond September 30, 2010, or such lesser fixed term as the owner or owners may elect at the time of acquisition.

"(ii) A term ending at the death of any owner or of a spouse of any owner, whichever occurs last.

The owner shall elect the term to be reserved.

"(B) The retention of rights under subparagraph (A) shall be available only to individuals who are homeowners of record as of July 1, 1986, who have attained the age of majority as of that date and who make a bona fide written offer not later than July 1, 1991 to sell to the Secretary.".

(d) AUTHORIZATION.—Section 9 of such Act (16 U.S.C. 460u-9) is amended as follows:

(1) In the first sentence strike "$11,000,000" and insert in lieu thereof "$25,000,000".

(2) Add after the last paragraph "In addition to any other sums authorized for the acquisition of lands and interests in lands pursuant to the provisions of this Act there are authorized to be appropriated in additional $3,807,000 to be used for such purposes. The Secretary shall conduct a feasibility study of establishing U.S. Highway 12 as the 'Indiana Dunes Parkway' under the jurisdiction of the National Park Service. The Secretary shall submit the results of such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and National Resources of the United States Senate within 2 years after the enactment of this sentence. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the feasibility study.".

(e) OWNER CONSENT REQUIRED.--Section 13 of such Act (16 U.S.C. 460u-13) is amended by striking out "the first section" and inserting in lieu thereof "section 4, dated December 1980, and numbered 626-91014".

(f) MAP REFERENCE.—Section 16 of such Act (16 U.S.C. 460u-16) is amended by inserting at the end of the first sentence "on the map referred to in section 4, dated September 1976, and numbered 626-9100".

(g) RIGHTS-OF-WAY.—Section 15 of such Act is amended by adding the following at the end thereof: "The Secretary may acquire only such interest in the rights-of-way designated 'Crossing B' and 'Crossing C' on the map dated July 1986 and numbered 626–80033 as he determines to be necessary to assure public access to the banks of the Little Calumet River and the banks of Salt Creek within 50 feet on either side of the centerline of said river and creek.".

(h) COOPERATIVE AGREEMENT AND STUDY.—Add the following new section at the end of such Act:

"SEC. 24. LITTLE CALUMET RIVER AND BURNS/PORTAGE WATERWAY.

"(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Little Calumet River Basin Development Commission, the State of Indiana or any political subdivision thereof for the planning, management, and interpretation of recreational facilities on the tract within the boundaries of Indiana Dunes National Lakeshore identified as tract numberr 09–177 or on lands under the jurisdiction of the State of Indiana or political subdivision thereof along the Little Calumet River and Burns Waterway. The cooperative agreement may include provisions for the planning of public facilities for boating, canoeing, fishing, hiking, bicycling, and other compatible recreational activities. Any recreational developments on lands under the jurisdiction of the National Park Service planned pursuant to this cooperative agreement shall be in a manner consistent with the purposes of this Act, including section 6(b).

"(b) STUDY.—The Secretary shall conduct a study regarding the options available for linking the portions of the lakeshore which are divided by the Little Calumet River and Burns/Portage Waterway so as to coordinate the management and recreational use of the lakeshore. The Secretary shall submit the results of the study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and National Resources of the United States Senate within 2 years after the enactment of this section. Effective October 1, 1986, there is authorized to be appropriated such sums as may be necessary for the purposes of conducting the study.".

Passsed the House of Representatives August 11, 1986.

Attest: BENJAMIN J. GUTHRIE,
Clerk.

II

99TH CONGRESS
2D SESSION

S. J. RES. 372

Authorizing establishment of a memorial to honor America's astronauts.

IN THE SENATE OF THE UNITED STATES

JULY 17 (legislative day, JULY 14), 1986

Mr. TRIBLE introduced the following joint resolution; which was read twice and referred to the Committee on Energy and Natural Resources

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JOINT RESOLUTION

Authorizing establishment of a memorial to honor America's astronauts.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The L–5 Society is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor America's astronauts and, in particular, those astronauts who have given up their lives in the pursuit of knowledge for all mankind.

(b) SITE, DESIGN, AND PLANS.—In carrying out subsection (a), the L–5 Society shall be responsible for selecting a site for the memorial and preparing the design and plans for the memorial, each of which shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Planning Commission.

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of establishment of the memorial. The L–5 Society shall not begin construction of the memorial until, as determined by the Comptroller General, amounts available to the L–5 Society from non-Federal sources are sufficient to carry out this resolution.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to establish the memorial under this resolution shall expire at the end of the five-year period beginning on the date on which this resolution becomes law, unless construction of the memorial begins during that period.

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II

99TH CONGRESS
2D SESSION
H. R. 4645

IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1986

Received; read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 18 (legislative day, OCTOBER 14), 1986

Committee discharged

AN ACT

To modify the boundaries of the Cuyahoga Valley National Recreation Area.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT.

Section 2 of the Act entitled "An Act to provide for the establishment of the Cuyahoga Valley National Recreation Area", approved December 27, 1974 (16 U.S.C. 460ff et seq.), is amended as follows:

(1) In subsection (a), strike "numbered 655-90,001-A and dated May 1978" and insert "numbered 644-80,054 and dated July 1986".

(2) At the end of subsection (a), insert the following:

"The recreation area shall also comprise any lands designated as 'City of Akron Lands' on the map referred to in the first sentence which are offered as donations to the Department of the Interior or which become privately owned. The Secretary shall revise such map to depict such lands as part of the recreation area.".

(3) In subsection (b), after the first sentence, insert the following:

"The Secretary may not acquire fee title to any lands included within the recreation area in 1986 which are designated on the map referred to in subsection (a) as 'Scenic Easement Acquisition Areas'. The Secretary may acquire only scenic easements in such designated lands. Unless consented to by the owner from which the easement is acquired, any such scenic easement may not prohibit any activity, the subdivision of any land, or the construction of any building or other facility if such activity, subdivision, or construction would have been permitted under laws and ordinances of the unit of local government in which such land was located on April 1, 1986, as such laws and ordinances were in effect on such date.".

Passed the House of Representatives August 11, 1986.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

Senator HECHT. The hearing record will remain open for one week after today, during which time written testimony on any of these measures can be submitted to the Subcommittee.

In the interest of time, I would ask the witnesses to limit their oral statements to three minutes. Please keep an eye on the lighted timer we have displayed. When you see the yellow light come on, you will know that you have one minute remaining to speak. Please begin to make your concluding remarks at that time and when the red light comes on, finish your sentence and then stop.

Additonal written comments may be provided and the entire testimony, will be included in the record.

Our first witness this morning is my senior colleague from the State of Nevada, Paul Laxalt.

Paul?

STATEMENT OF HON. PAUL LAXALT, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator LAXALT. Thank you, Mr. Chairman.

It is a pleasure for me to submit my statement in strong support of the bills being considered this morning. Those bills are the Forest Service-BLM Interchange for Nevada, S. 2698; the bill to facilitate the exchange of land in favor of Aerojet General, S. 2758; the proposed land acquisition for Mesquite, Nevada, S. 1971; and the bill to secure to the Catholic Diocese of Nevada some land donated by a former parishioner, S. 2194.

The Interchange proposal implements a portion of a national effort submitted by the Administration last year to eliminate redundant and overlapping management responsibilities of the two largest land management agencies, the Bureau of Land Management and the Forest Service.

The Nevada proposal follows several studies of the existing management structure of the two agencies and identifies areas that could profitably be exchanged. The proposal was prepared, in its major components, by the two agencies at my request. The transfer of management authority will involve some 511,000 acres of presently administered BLM lands being transferred to the Forest Service. The bill will provide some savings to the Federal Government by making certain uneconomic units of both agencies more viable and less confusing.

Mr. Chairman, I stress that the measure does not alter the present division of responsibility for mining activities within the new units of the national forests. That proposal is one which needs further consideration and may make sense in the context of a national interchange bill.

However, I do not believe mining authority should be transferred on a piecemeal basis, as respresented by this bill and I do not feel the Nevada Interchange bill should reach beyond the management transfer to include a national change in mining responsibility.

Also, Mr. Chairman, the Congress has already provided for the transfer of a portion of those lands under consideration as a part of Public Law 99-387, introduced early this year by our colleague, Congresswoman Vucanovich. I am sure the Committee will want to provide for that action in whatever bill it may report.

Mr. Chairman, this proposal has broad support in Nevada, as you know, and is also supported by the entire Nevada Congressional delegation. Realignment of the boundaries makes sense, is strongly supported in Nevada and will achieve management savings. I believe this is a good bill and urge early and favorable action by this Committee.

The bill, S. 2758, facilitates an exchange proposed in favor of Aerojet General Corporation. Efforts have been underway administratively to provide for this transfer, but it is important that the project be completed. Comparable land values in Florida have been identified for lands important to the Federal Government.

The exchange will be in compliance with the provisions of the Federal Land Policy and Management Act. The measure will enhance protection of environmentally sensitive lands in Florida and will provide economic stimulus to Nevada through development of Aerojet projects there. It is good for both States and deserves the Committee's support. I certainly strongly support passage of this bill.

In connection with this measure, I submit for the consideration of the Committee an amendment for the Sierra Pacific Power Company to provide for a necessary right of way through the proposed Nevada portion of the exchange and I ask that the Committee give the request careful attention.

Mr. Chairman, Mesquite, Nevada, is a small community attempting to expand its residential area to bench lands which are presently public domain. Mesquite is typical of many such small communities. It is presently landlocked by public domain and any expansion has been limited to a narrow strip of private farmland.

Any possibility of planned and orderly growth there must necessarily involve the Federal Government. Movement toward a transfer of these lands through normal administrative channels has been nearly impossible because of budget constraints of the Bureau of Land Management.

Thus it is appropriate and necessary that the Congress address the needs of the community. This bill provides for the transfer for only the administrative costs of some 6,892 acres. It is my understanding that the Administration will recommend a compromise by which the community may purchase these lands on a phased basis. I believe that approach may prove useful and hope the bill can be written to reflect such an appropriate and acceptable agreement.

Finally, Mr. Chairman, I strongly urge your favorable action on S. 2194. This bill transfers to the Catholic Diocese of Reno/Las Vegas a 40-acre parcel of land which was bequeathed to the church from a parishioner, now deceased. Both the parishioner and the church have held the property since 1949 when the parishioner purchased the parcel from the county at a tax sale. The church has held the property since 1975 and both parties have paid property taxes and exercised good faith property rights.

The church discovered that the parcel was in the public domain when it began planning the construction of a home for troubled young women. I believe the equitable resolution of this matter and best public policy is to convey clear title to the church and permit this worthwhile project to go forward.

Thank you for this opportunity to present my views.

Senator **Hecht**. Thank you, Senator Laxalt.

Senator **Laxalt**. I would ask unanimous consent to submit to the Committee for its consideration the testimony of Sierra Pacific Power Company on Senate Bill 2758.

Senator **Hecht**. Thank you. It will be part of the record.

[The statement of Sierra Pacific Power Co. follows:]

Testimony of Sierra Pacific Power Company on S. 2758 before the Senate Energy and Natural Resources Committee

September 19, 1986

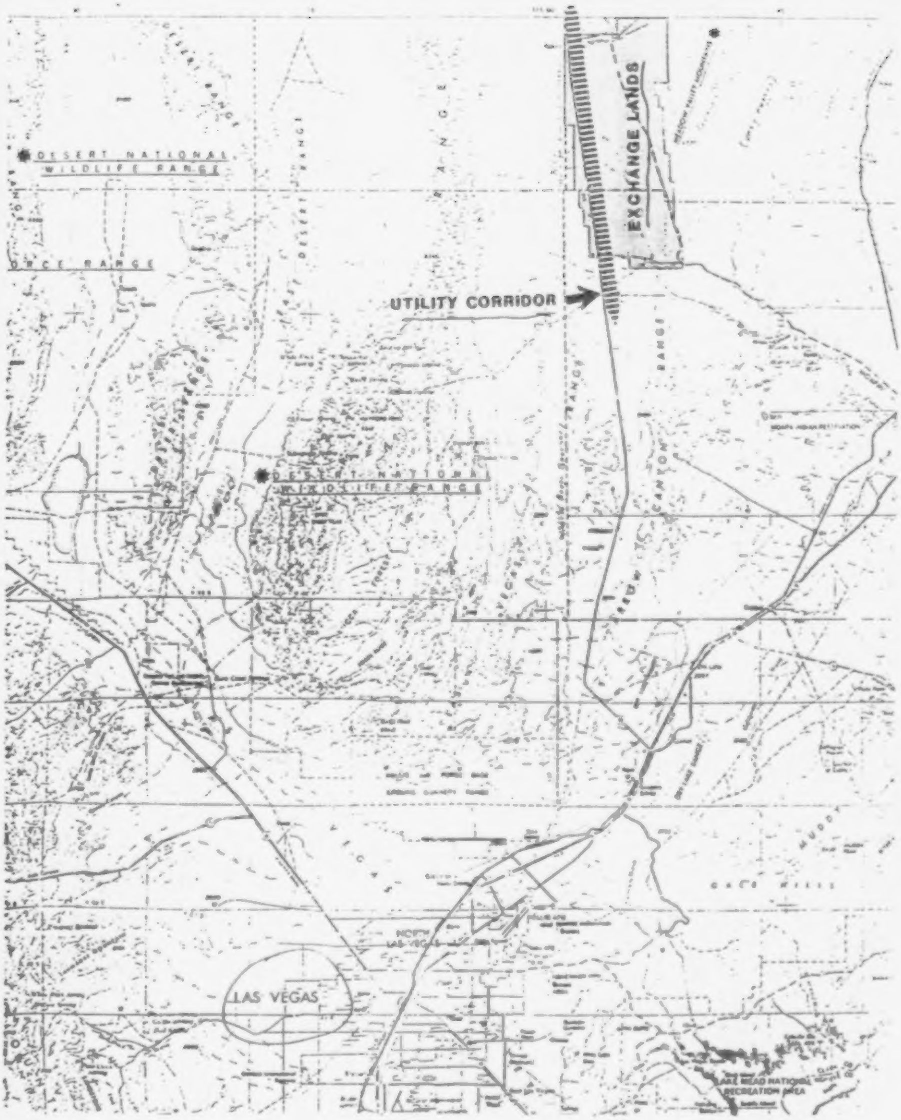
Mr. Chairman, Sierra Pacific Power Company (SPPC) appreciates the opportunity to submit for the record testimony concerning the need to preserve to the federal government an electric transmission line corridor. I present this testimony on behalf of a consortium of western utilities concerned with this transmission right-of-way located in Nevada.

The U.S. 93 corridor is a crucial north-south route for future transmission projects. Closing of this corridor, which is a narrow valley, by the disposal of these Federal lands would result in very major rerouting of planned major projects. Rerouting would probably be so significant, due to topography and existing land withdrawals, that the Intercompany Power Pool Project (ICP) and White Pine Power (WPP) projects could become uneconomic as now envisioned.

The valley in question forms a natural north-south corridor, which has been recognized by the Bureau of Land Management (BLM) and identified by the Western Utility Group as the primary route for the proposed ICP and WPP projects. It is also an alternative route for Intermountain Power Project (IPP) lines. Due to rugged topography to the east, and wildlife and military withdrawals to the west, the subject corridor is essentially a "bottleneck" for north-south transmission facilities between northern Nevada and Utah, other points north, and the Arizona-southern-Nevada-southern California corridor systems.

It would be invaluable for future energy projects in the intermountain states to have a corridor reserved through the proposed exchange lands. Although three miles was the envisioned width for the original industry-identified corridor, a one-mile wide corridor to the immediate east of U.S. 93 should prove adequate.

We have provided a map of the corridor and suggested amendment to S. 2758 which will adequately preserve this corridor. We urge its adoption. We will be happy to work with the Committee further to resolve this issue.


DESERT NATIONAL WILDLIFE RANGE
EXCHANGE LANDS
MEADOW VALLEY MOUNTAINS
UTILITY CORRIDOR
DESERT NATIONAL WILDLIFE RANGE
RANGE
CANYON
MOAPA INDIAN RESERVATION
MUDDY
NORTH LAS VEGAS
LAS VEGAS
LAKE MEAD NATIONAL RECREATION AREA

Sec. ______ The transfer of lands under this Act shall be subject to the reservation to the United States of a right of way extending one mile east of the centerline of Nevada State Highway 93 for the entire length of that highway through the transferred lands. The right-of-way shall be administered by the Secretary of the Interior, who may grant rights-of-way over, upon, under, or through the area described in the preceding sentence only for such transportation or other systems or facilities as are required for the construction, operation and maintenance of electric transmission lines consistent with title V of the Federal Land Policy Management Act of 1976.

Senator HECHT. Senator Domenici, do you have a statement?

STATEMENT OF HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Yes, I do, Mr. Chairman.

Senator Bingaman and I are co-sponsoring a bill, S. 2599, the Pueblo of Zia. This bill has cleared the House, is the result of a combined effort of the New Mexico delegation, Senator Bingaman and myself and Congressman Richardson, conveying tribal land to the Zia people. It transfers 1,844 acres of BLM lands to the Pueblo of Zia to be held in trust by the United States.

The Pueblo of Zia is the current permit holder of this allotment. This allotment is completely surrounded by the Zia Pueblo Reservation and the passage of this bill would consolidate the Zia lands now totaling 118,000 acres.

It would include some religious shrines that are there and also protect activities that took place there under the BLM ownership, such as two oil and gas leases, all existing interests of third parties are protected and no new water rights are granted to either the Indian people or the U. S. by virtue of their trust relationship.

As I indicated, the House passed this bill. There were two technical amendments made to it that the staff is aware of. I would ask, and I believe Senator Bingaman would concur, that we make two changes that are technical in nature and that we expeditiously pass this bill.

I would indicate we have been working on it for about two years. It is the collective effort of the delegation. The Zia Indian people have been very patient with us and very cooperative. They are represented here today and I hope, Mr. Chairman, even though I have to go to the floor, that you will obviously pay them the respect of letting them tell you for the record the situation surrounding this land sometime during the hearing today.

With that, I would like to yield to my friend, Senator Bingaman.

Senator HECHT. Senator Bingaman, do you have a statement?

STATEMENT OF HON. JEFF BINGAMAN, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator BINGAMAN. I do. I ask that it be included in the record, if possible.

Senator HECHT. Thank you very much. It will be included in the record.

Senator BINGAMAN. Could I also indicate that there is one item of some confusion. We had earlier received a letter from Mr. Luscher who is the District Director of the Bureau of Land Management indicating that BLM had no problem with this transfer. I believe they are in support of it.

Most recently we received a letter from Elizabeth Morris, Director of the Office of External Affairs, BLM dated July 29, where she states the previous letter sent to the New Mexico delegation was not the official BLM comment.

I would just like to get clarification on the record before we take action on the bill, what the BLM position is on this.

Senator **HECHT**. Just one moment. We will provide that for you. Let us go on. We have many Members of Congress who want to testify.

I want to take you in your order of appearance.

Congresswoman Vucanovich from the State of Nevada.

[The prepared statement of Senator Bingaman follows:]

Statement of Senator Jeff Bingaman
Hearing Before the Senate Energy and
Natural Resources Committee
S. 2599, the Pueblo of Zia
Land Transfer Legislation
September 19, 1986

Mr. Chairman, as a member of this Committee and also as an original cosponsor of S. 2599, I want to thank the Chair for holding these hearings today. Senator Domenici and I as sponsors of this measure are also supported by the other members of the New Mexico delegation. As a matter of fact, this past Tuesday, September 16, 1986, the House passed its' version, H.R. 4873. I am hopeful we can also move quickly on the Senate bill.

S. 2599 conveys 1,840 acres of land now under the jurisdiction of the Bureau of Land Management (BLM) to the Bureau of Indian Affairs to be held in trust for the use and benefit of the Pueblo of Zia. This land presently forms an "island" within the current Pueblo boundary. Because it does not have legal access to the island, the Bureau of Land Management has not been able to conduct range management activity, nor has the Bureau of Indian Affairs taken responsibility for the lands because jurisdiction falls under the BLM. Because of this "no mans land" status, the federal government does not adequately supervise and manage this land. I believe that the bill we discuss today vests responsibility to the people who have the greatest interest in the land - the Pueblo of Zia.

While I support this transfer, it by no means represents my general preference for handling land issues within the federal government. Land in the public domain should not be transferred on a "wholesale" basis unless unique or extraordinary circumstances warrant such a transfer. On close analysis of the facts in this request, I believe that the interest of the public and of the parties involved are better served if the 1,840 acres are put into trust status.

I have tried to approach such land matters in as systematic a manner as possible. And although I readily acknowledge that each case is different, there are four major considerations that I use to guide me in tribal land transfer requests. My first consideration looks to the tribe's prior attempts, if any, to seek the land in question through Congressional action, and/or any attempts to seek money damages either before the Indian Claims Commission or the

Court of Claims. In this instance, the Pueblo of Zia has not made any previous request for Congressional action nor, according to their attorneys, did they receive any damages for the tract of land. My general concern is that there must be some end to these types of cases and the goal of Congress should be to look at these requests in terms of whether they duplicate previous efforts. It behooves Congress to restore land when necessary but to refrain from doing so if equitable redress has already been achieved. I am satisfied that the Pueblo meets this concern.

The Pueblo's legal rights and equitable interests in the land are the third and fourth considerations that I find important. Although the Pueblo does not own the land outright, it does own the surface rights. In 1981 it purchased the grazing rights of the "Estrella Garcia Grazing Rights Allotment", which is the 1,840 acres in question. Since legal title demonstrates ownership and in this instance the Pueblo only has surface use, the equitable interest of a possessory act of occupancy, which is distinct from an outright property interest, helps us analyze the Pueblo's interest in the land. According to Professor Florence Hawley Ellis of the University of New Mexico, the area has been occupied by the Pueblo of Zia since the 1300's. More importantly, the historical documentation and current information persuade me that the Pueblo continues to actually, exclusively, and continuously use the land. Zia religious leaders regularly visit the known eight religious sites on the 1,840 acres and the Zia potters continue to collect white, black, and red paints from a known site on this land. The Zia's longstanding historic and religious attachment to the land and the several major religious shrines at which the Zia worship convince me of the Zia's equitable interest. Further, the Zia's plan to use the tract for additional grazing, points to their intention to use the land for future generations.

The last and fourth consideration that influences my decisions on these types of issues, is the impact of the proposed transfer on third parties. Invariably the land a tribe seeks to have restored to it has a history of competing use and ownership. Consequently, we in Congress become factfinders - weighing the various interests - and then reaching the best result possible. Third party interests include the extent of surface use and who has that use; pre-existing interests and legal rights such as easements, rights of way, memorandums of agreement, and water rights appurtenant to the land; and the public's present use of the land and how extensive that is. In the present case the Pueblo of Zia owns the grazing rights to the 1,840 acres, which means that unlike other situations this land has one surface user. There are however pre-existing rights to the land in the form of two oil and gas leases owned by Yates Petroleum and a Mr. Merle Chambers. Also, Plains Electric Generation and Transmission Cooperative has a right-of-way for a transmission line. These legal rights are protected in the legislation, and the Pueblo and these entities have reached a compromise on the langauge to be included. Further, the bill specifies that water rights appurtenant to the land shall be those rights existing under state law at the date of enactment of the bill and no new water rights are created or conveyed.

I believe that the legislation overall adequately addresses any pre-existing rights and other interests and, when weighed against the almost exclusive use of the land by the Pueblo, the public interest is at a minimum. Sandoval County where this land is located, supports the proposed transfer. A letter from the Sandoval County Board of Commissioners appearing at the conclusion of my remarks documents this support. As to the federal government's interest in the land, I am especially interested in the remarks of the Bureau of Land Management since I believe there is some confusion as to its' actual position. I refer to a letter I received from Elizabeth Morris, Director, Office of External Affairs, dated July 29, 1986 wherein she states that the previous letter sent to the New Mexico delegation was not the official BLM comment. This previous letter sent by Charles Luscher, then the State Director, indicated support for the Zia land bill. I am certain the hearings today will clarify BLM's position.

In conclusion, Mr. Chairman, I believe that this legislation carefully weighs the various interests involved and seeks the most equitable solution possible. I welcome this hearing today and again thank the chair for this oopportunity.

SANDOVAL COUNTY
ICE OF THE COUNTY MANAGER

BOARD OF COUNTY COMMISSIONERS
PETE D SALAZAR
CHAIRMAN
LORRAINE LUCERO
JOHNNY Y. HERNANDEZ

COUNTY MANAGER
PATRICK BACA

SANDOVAL COUNTY COURTHOUSE
P.O. BOX 40
BERNALILLO, NEW MEXICO 87004
PHONE (505) 867-2341

RESOLUTION NO. 05-09-85

HEREAS, the County of Sandoval, State of New Mexico, is the heart of Indian country, containing numerous Indian reservations, among them the Pueblo of Zia; and

HEREAS, the County of Sandoval is keenly interested in the welfare of the Indian people of Sandoval County, the preservation of Indian religion and tradition, the economic development of its Indian tribes, and the consolidation of Indian land for further development of reservations; and

HEREAS, the Pueblo of Zia has acquired, through the use of its own money and resources, rights to a parcel of land encompassed by its reservation lands, known as the "Estrella Garcia grazing allotment", composed primarily of rights to BLM leases and consisting of approximately 1,840 acres located in Sandoval County, New Mexico, and

HEREAS, the Pueblo of Zia desires that such BLM lands be taken by the United States in trust for the Pueblo of Zia, in order that, by so doing, the lands of the Pueblo would be consolidated and would be amenable to certain benefits by the Bureau of Indian Affirs which are not presently available; and

HEREAS, by such transfer, no lands would be removed from the tax rolls, nor would the rights of any adjacent landowners be impaired, nor would the use of any existing roadways or utility services be impeded;

OW THEREFORE BE IT RESOLVED THAT the County Commission of Sandoval County, New Mexico, does encourage the efforts of the Pueblo of Zia in consolidating its lands and improving its economic base for the benefit of the Zia people, and does give its support and approval to any Federal legislation or administrative action which would transfer the described land, composed of 1,840 acres, from its present

RESOLUTION NO. 05-09-85

Page 2

status as BLM land to land held in trust by the United States of America for the Pueblo of Zia.

PRESENTED AND PASSED AT A SPECIAL MEETING OF THE SANDOVAL COUNTY BOARD OF COMMISSIONERS held on 27 March, 1985.

Pete D. Salazar
Pete D. Salazar
Chairman

Lorraine Dominguez
Lorraine Dominguez
Member

J. Y. Hernandez
J. Y. Hernandez
Member

ATTEST: Sally Padilla
Sally Padilla
County Clerk

STATE OF NEW MEXICO
COUNTY OF SANDOVAL } SS
This instrument was filed for record on

APR 11 198[illegible]

At 10:40 A.M.
Reco[illegible] Misc
of rec[illegible] county, folio
SALLY [illegible] Clerk & Recorder
By: ______________, Deputy

STATEMENT OF HON. BARBARA F. VUCANOVICH, A U.S. REPRESENTATIVE FROM THE STATE OF NEVADA

Mrs. VUCANOVICH. Thank you very much, Mr. Chairman and Members of the Committee.

Before I testify, I would like to extend a warm welcome to the folks that are here from Nevada and will be testifying today. I would like to thank you, Mr. Chairman, for holding this hearing and I appreciate the opportunity I have to testify. For the sake of expediency, I will address each bill in one statement.

I will begin with S. 2698, the National Forests of Nevada Enhancement Act of 1986. This bill is the result of a united, bipartisan Nevada task force and will facilitate a land transfer from the Bureau of Land Management to the forest service. The companion bill, H.R. 5277, was introduced by myself and Mr. Reid in the House on July 29, 1986.

The original land exchange between the BLM and the forest service, which was announced in 1985, would have eliminated Nevada's two national forests, the Toiyabe and the Humboldt. The citizens of Nevada felt an urgent need to protect and preserve their national forests and created the National Forest Task Force of Nevada, of which I am a member.

The Nevada delegation met with the task force on January 22, 1986, in Washington, D. C., and made a decision to add to, rather than subtract from, the forest land. This meeting was attended by the BLM and the Forest Service.

S. 2698 is the result of careful negotiations and cooperation between the State of Nevada, the BLM and the Forest Service. Hearings were held in the State and there was overwhelming support for the BLM lands to be transferred to the Forest Service.

Although we have a significant amount of support for this bill, there has also been some questions raised by the mining industry. I want to make it clear that I will work with the miners to address their needs so that this bill is, indeed, a Nevada bill. Senator Laxalt referred to that section of the bill.

Mr. Chairman, I received a letter from Nevada State Senator, Sue Wagner, who is co-Chairman of the National Forest Task Force of Nevada, along with Senator Wilson. She regrets that she is unable to be here today and requested that I let you know that she believes this bill is very positive for Nevada and enthusiastically supports its rapid passage. I know firsthand that she has worked tirelessly on this legislation and I commend her efforts.

Mr. Chairman, I urge your Subcommittee to report this bill favorably so that we may make the necessary corrections and have S. 2698 and H.R. 5277 enacted before the end of this legislative session.

I would also like to testify in support of S. 2758, the Nevada-Florida Land Exchange Authorization Act of 1986, which will authorize certain lands to be exchanged between Nevada and Florida. The land in Nevada is public land and will be exchanged for privately-owned land of equal value in Florida. I also introduced the companion legislation in the House, H.R. 5435, on behalf of myself, Mr. Reid and Mr. Fascell.

Under this bill, Aerojet General Corporation will exchange approximately 4,800 acres of land it owns in Florida for approximately 54,000 acres of BLM land in Nevada which is located in Lincoln, Mineral and Clark Counties. This is especilly important to Nevada as Aerojet plans to construct a facility on the land for new aerospace and defense projects.

This bill has the full support of the Nevada delegation and the Florida members who are affected by this transfer. The delegations have worked closely with each other to craft legislation that is acceptable to all involved. Aerojet has also been very cooperative in responding to requests such as boundary changes, power corridor easements and grazing rights.

There have been some questions raised by the Nevada Cattlemen's Association about grazing permits held on the proposed exchange land and I want to make sure we address those concerns. I have discussed these concerns with the Aerojet representatives and they have assured me they will work with the people whose grazing rights are affected.

This bill is very important to Nevada because of the economic impact it will have on our State and the jobs it will create. It is a good bill and I recommend it be moved as quickly as possible in an effort to have it signed into law before the end of this Congressional session.

I would like to briefly address H.R. 3352, a bill which would transfer certain real property to the City of Mesquite which is located in southeastern Nevada. The City of Mesquite is completely land-locked by Federal lands and this transfer will allow Mesquite to expand and grow.

During the House mark-up of this bill in the Subcommittee on Public Lands of the Interior Committee, some concerns were raised regarding grazing rights and access to the river. It is my understanding that these concerns have been worked out and Mesquite is satisfied with the outcome. I believe H.R. 3352 is beneficial to Mesquite and its economic development plans and I urge its passage.

Mr. Chairman, this concludes my testimony today. I thank you again for holding these hearings and hope we are successful in passing this legislation before we adjourn. I will certainly do whatever I can in the house to push these bills through.

Thank you.

Senator HECHT. Thank you very much.

We have many Members of Congress here. In order of appearance, Senator Trible you are next. You came in first, then Senator Lugar and Congressman Harry Reid.

STATEMENT OF HON. PAUL S. TRIBLE, JR., A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator TRIBLE. Mr. Chairman, thank you and the Committee for holding this hearing on S.J. Res. 372 which would establish a memorial to our American astronauts in the District of Columbia. This legislation authorizes the L-5 Society to build a privately-funded memorial in recognition of those who have given their lives and dedicated their careers to space exploration.

American history is a story of daring, of exploration and discovery and it is appropriate that we honor that heritage.

While we have only begun our exploration of space, we have made great strides. President Kennedy set a national goal of sending a man to the moon in the 1960s and we achieved it, we launched SKYLAB and planetary satellite missions in the 1970s and have witnessed the many missions of the space shuttle in the 1980s.

No national goal has been so readily accepted or supported by the American people as the space program. The past few years have seen great strides in aircraft safety, communications, computers, materials development and medicine.

The future potential for the commercial development of space runs into tens of billions of dollars and each year scientific research gives us greater knowledge of our universe.

Our short time in space has reaped a great reward; in the future we will return to the moon to establish manned bases and mine the moon's great mineral potential. We will travel to Mars and extend our reach into space.

Yet through our history of exploration and scientific discovery many have paid a great price. In the space program we still mourn the loss of the crew of the Challenger space shuttle and remember those lost in the Apollo fire. Thousands of others have dedicated their professional lives to the space program and are best represented by the astronauts.

The astronaut memorial will honor those who have given so much to the nation. It will remember the past and encourage us to look toward the future. This memorial will inform and inspire those who see it. There will be a national design competition to select the final plan. Many professionals have donated their services to this project because they believe that the nation ought to recognize our astronauts for their contributions.

This year we recognized that only through risk, daring and sacrifice will our knowledge increase. Let us memorialize that fact. I urge your quick action on S.J. Res. 372 and thank you for your time and for holding this hearing.

Senator **Hecht**. Thank you.

Next in order of appearance, Senator Lugar.

STATEMENT OF HON. RICHARD G. LUGAR, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator **Lugar**. Mr. Chairman, I am pleased to testify today in support of Senator Quayle's bill, S. 2812, to expand the Indiana Dunes National Lakeshore. I am a co-sponsor of this important legislation which would authorize the acquisition of key land parcels for the Indiana Dunes National Lakeshore.

S. 2812 would also increase the authorized limits on development projects in the Lakeshore from the current level of $11 million to $20 million. This would accommodate a prudent portion of the development projects which have been planned for the Lakeshore and the bill required the National Park Service to complete a study of the idea of making all or a portion of U. S. 12, within park boundaries, a scenic Indiana Dunes parkway.

I am impressed by the wide support which this bill enjoys among citizen groups and local officials and affected industries in Indiana. S. 2812 is well coordinated with stringent Federal and budget limitations. We will necessarily require that the land acquisitions and development that the bill permits will occur over a period of years as Indiana receives its fair share of scarce park funds.

S. 2812 will further improve one of our nation's most heavily used and unique national parks. It will enhance and lead to better future planning of the lakeshore.

I wish to commend my colleague, Senator Quayle, and Congressman Visclosky for their hard work and concerted efforts in fashioning S. 2812 and H.R. 4037.

I urge the Committee to consider S. 2812 expeditously so that the legislation can be enacted prior to adjournment.

Mr. Chairman, I thank you for this opportunity to testify.

Senator HECHT. Thank you, Senator.

Congressman Harry Reid.

STATEMENT OF HON. HARRY M. REID, A U.S. REPRESENTATIVE FROM THE STATE OF NEVADA

Mr. REID. Thank you very much, Senator Hecht.

My colleague, Barbara Vucanovich, has testified on three bills. I will testify in the same order that she did.

Mr. Chairman, it is a pleasure to appear before you and the Members of the Subcommittee today to urge approval of S. 2698, the National Forests of Nevada Enhancement Act of 1986, introduced by Senator Laxalt and Senator Hecht. Congresswoman Vucanovich and I have introduced an identical proposal in the House.

This legislation will transfer more than 500,000 acres of Federal lands in Nevada, currently administered by the Bureau of Land Management, to the U. S. Forest Service.

A brief outline of the development of this proposal is warranted. In June of 1985 the U. S. Forest Service and the BLM announced a proposal to interchange management of about 30 to 35 million acres of land and underlying minerals. The purpose of the proposed interchange was to improve the management of public lands and national forests, enhance public service and reduce agency costs.

The proposed "landswap" caused an uproar in Nevada. Under the original plan, Forest Service lands in Nevada would shrink to less than one million acres, while the BLM would manage 4.5 million acres. The Departments of Interior and Agriculture also held public hearings in Nevada last summer to gauge the public's sentiments about the landswap.

The public hearings brought out near-unanimous opposition to reducing Forest Service lands in the State. Too many serious questions remained; ranging from concerns about agency funding, quality of management, the status of revenues to State and county governments, and possible environmental degradation.

Following public input and further deliberation, the U. S. Forest Service and BLM developed a new interchange proposal affecting 12 western States and two eastern cities, allowing Nevada to retain all of its existing national forests and converts BLM lands to the Forest Service.

Congressional approval of the omnibus interchange proposal, which shifts 18 million acres of BLM land to the Forest Service and 16 million acres of Forest Service land to the BLM, is not forthcoming. In other words, support for the Federal Lands Administration Act, introduced last spring, is virtually nil.

At the urging of the National Forest Task Force of Nevada, the Nevada delegation introduced this legislation to enlarge and enhance our valuable Forest Service lands. Specifically, S. 2698 transfers BLM lands to the U. S. Forest Service in the Spring Mountains adjacent to Mount Charleston, lands in the eastern Sierras, lands on the east side of the Ruby Mountains and lands adjacent to the Utah border and Mount Moriah.

The National Forests of Nevada Enhancement Act is also supported by the Governor of Nevada, the Board of Commissioners of Clark County and the Mt. Charleston Town Advisory Board. The transfer does not affect existing water rights, any wilderness review underway by the BLM or the Forest Service, and will not alter the existing division of responsibility for mining activity on Forest Service land.

Mr. Chairman, aside from the bill's obvious advantages of providing more efficient management and cost savings, Governor Bryan of Nevada points out a positive and important benefit. The Governor believes the National Forests of Nevada Enhancement Act "if passed by Congress, will increase the green on the map of Nevada, adding to our State's image."

For these reasons, Mr. Chairman, I urge favorable action on this widely-supported proposal.

I would like now to turn our attention, Mr. Chairman, to S. 2758, the Nevada-Florida Land Exchange Authorization Act of 1986, introduced by Senator Hawkins, Senator Laxalt and Senator Hecht. Congressman Vucanovich, Congressman Fascell and I have introduced the same proposal in the House of Representatives as H.R. 5435.

The legislation will permit Aerojet General Corporation to acquire 54,000 acres of Bureau of Land Management land in Nevada, located in Clark, Lincoln and Mineral Counties, by giving the Department of the Interior 4,800 acres of Aerojet-owned land in Florida, near the Everglades. The Interior Department would then sell the Florida land to the State of Florida and purchase environmentally-sensitive lands in Florida with the funds.

Since 1955, Aerojet has operated a 13,500-acre manufacturing facility for solid rocket motors 20 miles east of Sacramento, which employs 4,200 people. Aerojet General Corporation is interested in securing a large parcel of remote land as a potential site to supplement the company's manufacture of solid rocket motors for the National Aeronautics and Space Administration and the Defense Department.

The Nevada-Florida Land Exchange Authorization Act includes 9,000 acres of land in Mineral County, 25 miles southeast of Hawthorne adjacent to the Garfield Flat test site, already owned by Aerojet. The larger 45,000-acre portion is located in Clark and Lincoln Counties, in the Coyote Springs Valley, 45 miles northeast of

Las Vegas and about 100 miles southwest of Caliente. It is anticipated the facility will initially employ 200 people with the potential of providing jobs for many more in the future.

Concerns have been raised about the impact of the company's presence on water, native plants and animals, as well as endangered species; including the Moapa Dace and the Desert Tortoise. Several environmental studies have already been conducted as this area was once studied as a potential basing site for the MX missile.

However, Aerojet is having further studies conducted and has met with State and local official in an effort to mitigate possible negative impacts. In any case, only about three percent of the total acreage in Nevada would be used for roads and building, with the remainder serving as a buffer zone.

I understand Aerojet officials are also coordinating their efforts with various utility groups who seek to reserve a utility corridor through the property for future power projects.

Others have stated their misgivings about the plan in the event Aerojet does not follow through with its stated development plans in Nevada. I have voiced these concerns to Aerojet and can honestly say the company is sincere. If questions still remain, the company is more than willing to listen to individual suggestions and concerns.

Mr. Chairman, I have listed some of the stated questions raised about the bill. Now I would like to discuss the benefits.

A recent headline in the "Las Vegas Review-Journal" referring to Aerojet's plans states: "Firm's Plans For Defense Plant Meet No Objection in Caliente." Quite the contrary, it appears that local individuals are ecstatic about the future Aerojet facility. I have received scores of letters from Lincoln County residents in favor of the land exchange.

In addition, the bill is endorsed by the Board of County Commissioners of Clark and Lincoln Counties, the City of North Las Vegas, the Pioche Town Board, the Alamo Town Board, the Panaca Town Board, the Pioche Chamber of Commerce, and the Caliente City Council. Clearly Aerojet's presence will be a much-needed boost to the State's economy, particularly in Lincoln County.

In short, I look forward to favorable action on this unique land exchange proposal which will benefit all entities involved.

I would now like to address my testimony to Senate Bill 1971 which is a bill to transfer certain lands under the jurisdiction of the Secretary of Interior to the City of Mesquite, Nevada.

I again, Senator Hecht, appreciate your allowing me to testify on this matter as you have allowed to do on the other two bills.

Mesquite is an incorporated city approximately 80 miles northeast of Las Vegas, near the Arizona/Utah borders. Like many communities in the west, the city is completely land locked by Federally-owned land. Mesquite is a growing community with a traditional agricultural base.

In recent years a hotel/casino located itself in Mesquite which created 700 new jobs. Sixty percent of the work force in Mesquite now commutes to work, a large portion of whom would live in Mesquite if there were land available to build more housing. Without additional land, the only option for development of any kind is to use the precious farmland and that is neither economically nor environmentally sound.

The city leaders of Mesuite have tried to obtain the land from the BLM using non-legislative avenues. However, due to administrative restrictions concerning payment and certain time limitations, they have found it prohibitive.

During the July 15, House of Public Lands Subcommittee hearing, the BLM raised several concerns having to do with receiving fair market value for the land, permitted access to grazing allotments, and protection of two endangered fish species in the Virgin River.

Since that hearing, Mayor Jimmie Hughes of Mesquite, the local BLM, subcommittee staff and my staff have been in consultation with each other in an attempt to satisfy all these concerns. I believe that we have positively addressed those concerns in a way in which all parties will be satisfied.

The essence of the plan will include the withdrawal of all public land within the city limits for a determined amount of time. The city would have the right of first refusal to purchase the land at market value. The purchase of the land in question will be obtained in phases to accommodate, to some extent, the city's economic situation. Concerns about the grazing allotments and the endangered fish will be appropriately resolved.

There is simply no reason that this land should sit idle when the city could use it for productive growth such as recreation, airport facilities and housing. Mesquite is literally bursting at the seams, and further development is sure to follow if only the city has a place to expand.

I consider acquisition of this land imperative to the future of Mesquite and, therefore, support passage of a bill which would help the city obtain from the Federal Government some of this surrounding land.

Thank you again for the opportunity to testify today.

Senator HECHT. Thank you very much.

Next in order of appearance, Congressman Visclosky, and Congressman Badham will follow.

STATEMENT OF HON. PETER J. VISCLOSKY, A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Mr. VISCLOSKY. I am here to testify on behalf and in strong support of S. 2812, a bill dealing with the Indiana Dunes National Lakeshore as representative of the First Congressional District in Northwest Indiana.

The entire Indiana Dunes fall within that Congressional District. I want to congratulate Senators Quayle and Lugar on their cooperation with my office as well as their introduction of this legislation. Basically it is the same bill that passed the House of Representatives, with changes, and I just want to make brief comments regarding those four differences.

The first revolves around an expansion of the parcel along Salt Creek. I would be in strong support of that change. I think it is a positive change in the bill.

Secondly, there are three land parcels in the City of Gary included in the Senate legislation. Those parcels were originally included in the House bill and were taken out at the suggestion of the City of Gary.

I would alert the Committee and also pledge my support in attempting to continue to resolve some type of agreement with the city and with the Senators on the three parcels involved.

There is a proposed change on Heron Rookery and I have no strong feeling regarding that issue. I would suggest to the Committee consideration be given regarding the developmental ceiling. The recommended level in the Senate legislation is $20 million. The level of the House bill is $25 million.

I think an increase of $25 million would place us in a situation where we would not have to, on a two- or four-year basis, consider Dunes legislation. I think it would at least give us some room to maneuver in the future.

Mr. Chairman, I thank you for holding these hearings. I will certainly encourage the expeditious consideration of this legislation and pledge my willingness to have an open mind and to be cooperative in seeing this bill passed.

Senator HECHT. Thank you for taking the time to testify.

Mr. VISCLOSKY. Thank you, Mr. Chairman.

Senator HECHT. Next, Congressman Badham.

STATEMENT OF HON. ROBERT E. BADHAM, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. BADHAM. Thank you, Mr. Chairman.

I am testifying in strong support of S.J. Resolution 327 having to do with the creation of a memorial to our astronauts who have been lost in the quest for space.

In the wake of the space shuttle Challenger disaster, many of us felt a great desire to recognize the members of the crew and the courage and dedication that they exemplified. The loss of the crew of the Challenger was more than a national tragedy, it was a tragedy felt around the world.

The brave men and women that we send into space venture forth not as individuals, but as representatives of all Americans, indeed, all mankind. We have seen our astronauts perish, but others will continue to go into space, carrying with them the dreams of their lost comrades.

In the months since the Challenger disaster, there have been questions about decisions that were made that day and even over the preceding years. However, there have been no questions about the abilities, dedication or courage of the astronaut corps. Indeed, these attributes have been amply demonstrated over the past 25 years of manned space flight.

Most of us had grown accustomed to the success of our space program and had forgotten about the risk associated with this adventure. Indeed, the successes have been memorable. Alan Shepard's first suborbital flight; John Glenn's orbital flight, Ed White's spacewalk; the rendezvous of Gemini 6 and 7; Apollo 8's journey to the moon; Skylab, the first space station; the Apollo-Soyuz Mission; and I am sure each of us remembers where we were on July 20, 1969, the day Neil Armstrong became the first man to set foot on the moon.

Senator Trible introduced S.J. Res. 372 to authorize the establishment of a memorial honoring America's astronauts, especially those who have given the ultimate sacrifice. I believe that this resolution honoring our astronaut corps is more than a recognition of their courage and dedication. I believe that we are honoring the pioneering spirit of all Americans. America's astronauts are our representatives and they carry our hopes and dreams with them into space.

On the House side the companion bill to S.J. Res. 372, H.J. Res. 504, has received strong bipartisan support and currently has 139 co-sponsors. I believe that S.J. Res. 372 is a fitting tribute to our courageous space explorers. Therefore, I urge your support of this legislation.

I might add just one comment that in keeping with the dedication and the support and the activities of the American people this astronaut memorial is to be completely done by private subscription by the people of the United States and the people of the United States in so doing are demonstrating what their feelings are.

Competition is designed to be held under the usual rules by the American Institute of Architects. We think that everything has been done to make this a true outpouring of dedication to the exploration of space and those who have gone before us by the American people.

I thank you, Senator, for the opportunity to testify before you.

Senator **Hecht**. Thank you for taking the time on a busy schedule to appear before us.

Are there any members of Congress wanting to testify that I have overlooked?

If not, let us begin our next panel. Our Government witnesses are Mr. James Parker, Assistant Director, Support Services, Bureau of Land Management; Mr. Bill Horn, Assistant Secretary, Fish and Wildlife and Parks; David Wright, Acting Deputy Director, National Park Service; Kristine Marcy, Associate Deputy to the Deputy to the Assistant Secretary, Bureau of Indian Affairs; and R. Max Peterson, Chief, Forest Service.

Will you all take a seat up here and we will hear from you.

Mr. Parker, would you like to begin, please?

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. **Parker**. Certainly, sir. I will be testifying on three of the bills, Mr. Chairman. I will also follow Congresswoman Vucanovich's order.

The first is S. 2698 having to do with the National Forest Enhancement bill. We could support enactment of S. 2698 if it were amended in two basic ways:

First, to include additional States so that the purposes outlined in the bill might truly be accomplished; and

Second, to provide for the transfer of those Forest Service lands, in both Nevada and the additional States, to BLM which were identified through public participation and other process which we have gone through to which the Congressman referred.

However, we would urge enactment of S. 2289, the Administration interchange proposal since S. 2698 deals exclusively with the public lands in the State of Nevada and would transfer only public lands presently administered by BLM to the Forest Service and since S. 2289 embodies the proposed Bureau of Land Management-Forest Service Interchange which was submitted earlier to Congress.

The goals stated in S. 2698 are similar to those of the interchange proposal. As written, however, S. 2698, unfortunately, does not meet the goals or result in the benefits that the interchange would generate.

Also, since it involves only Nevada and only enlarges the forest, it does not contain the elements for consolidation of offices, reduction of staff, savings on equipment, and so forth, that make the nationwide interchange a viable proposal.

One major potential problem with S. 2698, as presently written, is that there is no requirement to manage the transferred land under existing land use plans. The land would apparently be administered in accordance with the laws, rules and regulations applicable to the Forest Service.

This might create some problems for users since permits and use authorizations would have to be renewed under Forest Service regulations. For example, with regard to livestock grazing, this provision might involve different requirements.

In summary, the findings and objectives in section 1 of S. 2698 can be achieved, we believe, much more efficiently and effectively on a multi-State basis. We strongly support the concept of land adjustments between BLM and the Forest Service, but not the transfer of land on an individual State basis as proposed in S. 2698.

However, transfers of land on an individual State basis, as proposed by S. 2698 are not in concert with a coherent approach to adjusting boundaries. We maintain such adjustments should be on a broad scale basis rather than on a one-State-at-a-time basis because of the possibilities that issues would be treated differently in different States.

We believe that a national level approach is correct and should be followed. However, if S. 2698 is amended as we have suggested, it could achieve some of the same benefits. The addition of other States and lands identified for transfer from the Forest Service to BLM would need to be included in order to begin to improve the public land management pattern between BLM and the Forest Service.

This would provide an opportunity for achieving some of the efficiencies, cost savings and public service improvements identified.

As I said earlier, we would suggest that Congress enact S. 2289, the Administration's exchange proposal instead, as it would lead to more efficient land management, improve public service and cause economies in the administration of Federal lands.

These goals can be attained and that is the reason we continue to support the interchange concept.

Now, going to S. 1971. S. 1971 would require the Secretary of the Interior to transfer to the City of Mesquite, Nevada, in consideration for the payment of transfer costs, approximately 6,892.69 acres of land described in the bill.

We oppose enactment of S. 1971 in its present form.

We recognize that the City of Mesquite needs room to expand. In 1984 the Bureau of Land Management completed the planning for the lands described in the bill, and they are included as part of the Clark Management Framework Plan (MFP). The lands were recognized in that MFP as suitable for disposal. However, we have several problems with the bill.

We know of no basis or equitable reason for granting the lands to the City of Mesquite without compensation. It is contrary to the requirements of the Federal Land Policy and Management Act, and the Administration's policy that the United States should receive fair market value for its lands. Payment of transfer costs is not sufficient.

S. 1971 makes no provision for valid existing rights which must be protected or for the reservation of minerals to the United States.

There are unpatented mining claims on approximately 60 percent of the lands described in the bill. There is no activity in connection with any of the claims except what is necessary for annual assessment work. If the claims are determined to be valid, the claimants are entitled to fee title to the surface and mineral estate.

There are six grazing allotments on the lands in question. Some consideration should be given to them.

Approximately 14 acres of the lands described in S. 1971 have been patented to a private individual and, therefore, are no longer in Federal ownership.

Some lands described in the bill are involved in a sale proposal, others are included in a Recreation and Public Purposes Act (R&PP) lease issued to the City of Mesquite for a landfill, a highway corridor, and a State highway maintenance site.

There are pending an airport lease application and a Recreation and Public Purposes Act application for a golf course submitted by the City of Mesquite.

The lands described in S. 1971 are included in the Virgin River Habitat Management Plan. An endangered species, the woundfin minnow (Plagopterus argentissimus) inhabits the area. This should be considered in any transfer of the land.

Our staff in the Las Vegas District Office has been in discussions with the Mayor of the City of Mesquite. The city's needs are known to us. We understand that some negotiations are going on. We believe that we can handle this matter of land conveyance to the city administratively and that would perhaps be more appropriate. We are prepared to work with the city in that regard.

I would now like to move to the last bill, S. 2194, involving the Catholic diocese of Las Vegas/Reno. The lands described in section (b) of S. 2149 are and have always been public lands. We understand that the Catholic Diocese was allegedly given the land in 1975 by a person who thought she had purchased the land from Clark County in 1949 at a tax sale.

The lands, however, never have been out of Federal ownership. The diocese filed application for the lands under the Color of Title Act in October of 1985. That application was denied in January of this year by the Bureau because the diocese did not meet the requirements under the Color of Title Act since there were no valuable improvements on the land and the land had not been cultivated, one or the other of which are requirements of the Act.

We appreciate the confusion caused by the misunderstanding regarding ownership and the fact that taxes have been paid on the land for several years. We cannot, however, support enactment of the bill.

There are two existing laws under which the diocese could obtain the land. It could acquire them under the R&PP Act if certain requirements were met. The diocese could also obtain the land through purchase under section 203 of the FLPMA which would require them to pay fair market value.

If the diocese however, intends to use these lands, for investment purposes, neither of those options may be viable. We will be pleased, however, to work with the diocese if it should choose either alternative.

That concludes my summary. I will be happy to answer questions.

[The prepared statements of Mr. Parker follow:]

SEP 1 9 1986

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2698, A BILL "TO TRANSFER CERTAIN PUBLIC LANDS IN NEVADA TO THE TOIYABE, HUMBOLDT, AND INYO NATIONAL FORESTS."

I appreciate the opportunity to appear before the Subcommittee today to discuss the Department of the Interior's position on S. 2698.

We could support enactment of S. 2698 if it were amended in two ways. First, to include additional States so that the purposes outlined in the bill might truly be accomplished. Second, to provide for transfer of those Forest Service lands, in both Nevada and the additional States, to BLM which were identified through the public participation and study process which we have recently gone through. However, we would urge the enactment of S. 2289, the Administration's Interchange proposal, instead.

S. 2698 would be cited as the "National Forests of Nevada Enhancement Act of 1986."

Section 2 of S. 2698 contains the findings and purpose of the bill. The findings of the bill are:

o the public lands transferred by S. 2698 contain valuable natural resources that would be enhanced by the professional, multiple-use management of the U.S. Forest Service;

- the public would be benefited by such management;

- the public lands transferred by S. 2698 are adjacent to existing National Forests and, in many cases, are part of the same watersheds and mountain ranges. Placing management of the lands under one agency, the Forest Service, will improve efficiency and be cost effective; and

- the consensus in Nevada, as shown in public hearings, is that these lands should be added to the National Forests.

The purpose of S. 2698 would be to transfer to the Forest Service, public lands in Nevada administered by the Bureau of Land Management (BLM). The lands are contiguous to the Toiyabe, Humboldt, and Inyo National Forests and would become National Forest System lands.

Section 3 of S. 2698 would provide that the transferred lands would be identified on a map and would be administered in accordance with the laws, rules, and regulations applicable to National Forests. The boundary of the three National Forests would be modified to reflect the transfer. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965, the new boundaries would be treated as if they were the boundary of the specified National Forests as of January 1, 1965.

Section 4(a) of S. 2698 would provide that any BLM Wilderness Study Areas that would be made part of the National Forest System by the bill and for which a wilderness suitability study is complete or underway would be managed by the Secretary of Agriculture in accordance with the Federal Land Policy and Management Act until Congress designates the areas as wilderness or releases it from further wilderness consideration.

Section 4(b) would provide that any roadless area or portion thereof that would be made part of the National Forest System and which has been considered but not recommended for wilderness designation pursuant to section 202 of the Federal Land Policy and Management Act (FLPMA) would be deemed to have been adequately considered for wilderness for the purposes of the Forest and Rangeland Renewable Resources Planning Act of 1974. The Secretary of Agriculture would not be required to preserve wilderness values or to review the wilderness option before the revision of such plans, but the Secretary would be required to review the wilderness option when the plans are revised. Nothing in S. 2698 could be construed to add lands to the National Wilderness Preservation System.

Section 5 would provide that nothing in the bill could be construed to expand or diminish any water right of the United States under State or Federal law which the United States had prior to enactment of S. 2698. The designation and withdrawal of newly established National Forest lands by S. 2698 would not create any reserved water rights in the United States by reason of the bill with respect to those lands. Nothing in the bill would affect the right of the United States or of any person to acquire or dispose of water or water rights under applicable law.

Section 6 of S. 2698 would provide that nothing in the bill could be construed to change the law governing the management of subsurface mineral resources.

Section 7 would provide that administrative appeals, adjudications or reviews that are pending on the date of enactment would be completed by the Secretary of the Interior except that the Secretary of Agriculture could exercise final administrative review.

Section 8 of S. 2698 would provide that the term "public lands" means lands administered by BLM and defined in section 103(e) of FLPMA. The term "National Forest System" would mean lands administered by the Forest Service and have the same meaning as defined in section 11 of the Forest and Rangeland Renewable Resources Planning Act of 1974.

S. 2698 would deal exclusively with public lands in the State of Nevada and would transfer only public lands presently administered by BLM to the Forest Service. As you know, the proposed Bureau of Land Management - Forest Service Interchange was submitted to Congress earlier this session and introduced as S. 2289. In that proposal the Administration requested that certain public lands be transferred to the Forest Service for administration and that certain lands now administered by the Forest Service be transferred to the Bureau of Land Management as public lands. The proposal was forwarded to Congress only after careful and thorough consideration. To gain public input to the Interchange proposal, the Forest Service and BLM, on a multi-State basis, conducted 85 public meetings; recorded over 600 consultations with Congress, interest groups, individuals, and government entities; and held a formal public comment period, including 30 public hearings. As a result of this process, the Administration developed a bill that is designed to increase efficiency of natural resource management by merging organizational units within the same geographic area, thus reducing personnel needs and duplication of offices, overhead, travel and administrative functions. All of this would result in a reduction of costs and savings of $14 to $15 million and an improvement of service to the public.

The goals stated in S. 2698 are similar to those in the Interchange proposal. As written however, S. 2698 unfortunately does not meet the goals or result in the benefits that Interchange would generate since it does not include those lands administered by the Forest Service that were identified to be transferred to the Bureau of Land Management. Since it involves only Nevada and only enlarges the Forests, it does not contain the elements for consolidation of offices, reduction of staff, savings on equipment and so forth that make Interchange a viable proposal.

One major potential problem with S. 2698 as rewritten is that there is no requirement to manage the transferred lands under existing land use plans. The lands would be administered in accordance with laws, rules, and regulations applicable to National Forests. This might create some problems for users as permits and use authorizations would have to be renewed under Forest Service regulations. For example, with regard to livestock grazing, this provision could be interpreted as requiring the Forest Service to apply its base property and commensurability standards, which differ from BLM's requirements. It is possible that some BLM permittees could not meet the different Forest Service requirements, so that their permits would be placed in jeopardy. Similar situations could arise with other BLM permittees or with existing uses taking place on the transferred lands. The Interchange proposal provided for continuity of uses and protection of existing permits. We suggest the consideration of these provisions for inclusion in S. 2698.

Approximately 15,000 acres on the east side of the Ruby Mountains were recently transferred from BLM to the Forest Service by P.L. 99-387. To eliminate confusion and conflicting legislation, we suggest that those lands be eliminated from S. 2698.

In summary, the findings and objectives in section 1 of S. 2698 can be achieved much more effectively and efficiently on a multi-State basis. We support the concept of land adjustments between BLM and the Forest Service. Transfers of land on an individual State basis as proposed by S. 2698 are not in concert with a coherent approach to adjusting boundaries. We maintain that such adjustments should be on a broad-scale basis rather than on a one-State-at-a-time basis because of the possibility that issues would be treated differently in different States. We have proposed a national level approach in legislation introduced as S. 2289. We still believe that this approach is correct and should be followed. However S. 2698, if amended, can achieve benefits. The addition of other States and lands identified for transfer from the Forest Service to BLM should be included in order to begin to improve public land management patterns between BLM and the Forest Service. This would provide an opportunity for achieving some of the efficiencies, cost savings and public service improvements identified.

As I said earlier, we would suggest the Congress enact S. 2289, the Administration's Interchange proposal instead, as it would lead to more efficient land management, improved service to the public, and economic benefits in the administration of Federal lands. These goals can be attained and that is the reason we continue to support the Interchange concept.

This concludes my statement. I will be pleased to respond to any questions.

SEP 19 1986

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1971, A BILL "TO TRANSFER CERTAIN LANDS UNDER THE JURISDICTION OF THE SECRETARY OF THE INTERIOR TO THE CITY OF MESQUITE, NEVADA."

I appreciate the opportunity to appear before the Subcomittee today to discuss the Department of the Interior's position on S. 1971.

S. 1971 would require the Secretary of the Interior to transfer to the City of Mesquite, Nevada, in consideration for the payment of transfer costs, approximately 6,892.69 acres of land described in the bill.

We oppose enactment of S. 1971.

We recognize that the City of Mesquite needs room to expand. In 1984 the Bureau of Land Management completed the planning for the lands described in the bill, which was included as part of the Clark Management Framework Plan (MFP). The lands were recognized in that MFP as suitable for disposal. However, we have several problems with the bill.

- We know of no basis or equitable reason for granting the lands to the City of Mesquite without compensation for the lands. It is contrary to the requirements of the Federal Land Policy and Management Act, and Administration policy that the United States should receive fair market value for its lands. Payment of transfer costs is not sufficient.

- S. 1971 makes no provision for valid existing rights which must be protected or for the reservation of minerals to the United States.

- There are unpatented mining claims on approximately 60 percent of the lands described in the bill. There is no activity in connection with any of the claims except what is necessary for annual assessment work. If the claims are determined to be valid, the claimants are entitled to fee title to the surface and mineral estate.

- There are six grazing allotments on the lands in question. Some consideration should be given to them.

- Approximately 14 acres of the lands described in S. 1971 have been patented to an individual and therefore are no longer in Federal ownership.

- Some lands described in the bill are involved in a sale proposal, others are included in a Recreation and Public Purposes Act (R&PP) lease issued to the City of Mesquite for a landfill, a highway corridor, and a State highway maintenance site.

- There are pending an airport lease application and a Recreation and Public Purposes Act application for a golf course submitted by the City of Mesquite.

- The lands described in S. 1971 are included in the Virgin River Habitat Management Plan. An endangered species, the woundfin minnow (Plagopterus argentissimus) inhabits the area. This should be considered in any transfer of the land.

Staff in our Las Vegas District Office have discussed with Mayor Jimmy Hughes of the City of Mesquite, the city's needs for land and how it can be acquired. I understand Mayor Hughes has indicated a willingness to pay for any land the city acquires. I believe that we can handle the matter of land conveyances to the city administratively, without the need for legislation. We are prepared to meet with the Mayor and work with him on it.

We note that there may be an error in the land description in the bill. On page 2, line 6, we believe "SW1/4" should read "SW1/2".

This concludes my prepared statement. I will be pleased to respond to any questions you may have.

SEP 19 1986

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICE, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2194, A BILL "TO AUTHORIZE THE CONVEYANCE OF 40 ACRES IN NEVADA TO THE CATHOLIC DIOCESE OF RENO/LAS VEGAS."

I appreciate the opportunity to discuss with you today S. 2194, a bill which would direct the Secretary of the Interior to convey a 40-acre parcel of land in Nevada to the Catholic Diocese of Reno/Las Vegas, Nevada.

The lands described in subsection (b) of S. 2194 are public lands. We understand the Catholic Diocese of Reno/Las Vegas was given the lands by a person who claimed ownership. The Catholic Diocese of Reno/Las Vegas filed an application for the lands under the Color of Title Act. That application was denied by the Bureau of Land Management because the claimant did not meet the requirements of the law. No valuable improvements had been placed on the lands, nor had there been any cultivation of the lands as required by the Color of Title Act.

We do not support enactment of S. 2194 because it does not provide for payment of fair market value. In the alternative, if the land is conveyed for less than fair market value the bill should require that the conveyance document contain a provision for reversion of the land to the United States if it is not used for the public purposes.

The bill does not provide for reimbursement of the administrative costs to the United States if the conveyance were to take place.

S. 2194 does not provide for protection of valid existing rights. Any transfer such as this should protect any valid existing rights.

There are two existing laws under which the Catholic Diocese of Reno/Las Vegas could obtain the lands. It could acquire them under the Recreation and Public Purposes Act which allows for the conveyance at less than fair market value of public lands to any nonprofit corporation or association for recreational or public purposes, if certain circumstances are met. Any conveyance under that Act would contain a provision for reversion of the land back to the United States if the lands are not used for the purpose specified.

The Catholic Diocese could also obtain the lands described in S. 2149 through purchase under section 203 of the Federal Land Policy and Management Act. That law requires that sales of public lands shall be made at a price not less than fair market value. However, a section 203 sale may be prohibited at this time by the United States District Court order issued on February 10, 1986, in the case of National Wildlife Federation v. Burford. That order enjoins the Bureau of Land Management from modifying, terminating or revoking, in full or in part, under the Federal Land Policy and Management Act, any withdrawal or classification that was in effect of January 1, 1981. A classification for Recreation and Public Purposes was in effect on January 1, 1981 on this parcel.

We have been informed that Clark County has expressed an interest in the lands in the area including the parcel described in S. 2194 for use for flood control. However no application for the public lands has been received yet.

If the county does need the land described in this bill and if the Diocese also has a need for lands for a public purpose, the Diocese might consider obtaining another parcel under the Recreation and Public Purposes Act. We will be pleased to work with the Diocese if it should choose that alternative.

This concludes my statement. I will be pleased to answer any questions you may have.

Senator HECHT. Thank you very much.

Mr. David Wright.

STATEMENT OF DAVID G. WRIGHT, ACTING DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. WRIGHT. Mr. Chairman, it is a pleasure to appear before you today to provide the subcommittee with the views of the Department of the Interior on three legislative proposals. These are H.R. 4645, a bill to modify the boundaries of the Cuyahoga Valley National Recreation Area; H.R. 4037 and S. 2118, bills relating to the Indiana Dunes National Lakeshore; and S.J. Res. 327, authorizing a memorial to America's astronauts.

We recommend enactment of H.R. 4645 only if amended to include only the land proposed for the historic steam train.

On December 27, 1974, President Ford signed Public Law 93-555 which authorized the establishment of the Cuyahoga Valley National Recreation Area for the purpose of preserving for public use and enjoyment some 29,000 acres of rural valley landscape adjacent to the highly urbanized Cleveland-Akron Metropolitan Area in northeastern Ohio as well as the century-old Ohio and Erie Canal System.

Currently the authorized acreage is 32,460.19, of which the Federal Government owns 14,715.02 acres.

As passed by the House of Representatives on August 11, 1986, H.R. 4645 proposes that a total of approximately 1,100 acres be added to the existing boundary. Of this total, we understand that the bill would authorize fee acquisition of approximately 640 acres, including a portion of railroad right of way.

Also authorized for acquisition, but only in the form of an easement, are 487 acres, which include one parcel in the Brecksville area and the remainder along the southern boundary of the national recreation area.

Lands owned by the City of Akron may only be acquired by donation to the Secretary or if they become privately owned. In connection with the authorization to acquire easements, the bill is intended to authorize acquisition of sufficient interests in land to freeze the existing local zoning ordinances.

Mr. Chairman, the railroad right-of-way has long been considered an acquisition goal and is well documented in the existing approved general management plan, the approved land protection plan, the transportation study, and the trnsportation plan for the national recreation area. We are currently negotiating for the acquisition of the right-of-way with available funds.

With regard to the other lands proposed for addition to the existing boundaries, Mr. Chairman, after carefully reviewing the existing approved general management plan, we find no indication of a need to revise the boundaries beyond the acquisition of the railroad right-of-way at this time.

Further, we believe that any boundary adjustment should be pursued by reviewing the existing general management plan an proposing an adjustment, if warranted. The plan is scheduled for review and updating in four or five years. This process would also allow the National Park Service to involve local governments and interested private citizens in preparing any boundary adjustment.

We believe that it is more appropriate for the park staff to focus its efforts and existing funds on managing lands already within the park boundary.

Finally, while we believe that freezing development controls could be beneficial to Cuyahoga Valley National Recreation Area, we nonetheless believe that the intent of H.R. 4645 can be realized if the various local units of government as well as interested citizens work together to maintain appropriate zoning, such as that which is currently in place.

Regarding H.R. 4037 and S. 2181, Indiana Dunes National Lakeshore, we recommend against enactment of either.

As passed by the House on August 11, 1986, H.R. 4037 would:

Add eight parcels of land to the National Lakeshore totaling approximately 863 acres;

Increase the development ceiling for Indiana Dunes National Lakeshore from $11 million to $25 million, and authorize an additional $3.807 million for land acquisition;

Require a two-year study and report to the House and Senate legislative committees on the feasibility of establishing U.S. Highway 12 within the boundaries of Indiana Dunes National Lakeshore as the "Indiana Dunes Parkway;"

Require a feasibility study of linking the east and west units of the national lakeshore; and

Authorize the Secretary to enter into a cooperative agreement for the purpose of coordinating development in and adjacent to the national lakeshore.

S. 2182 is similar, except that the Senate bill would add 1,100 acres, increase the development ceiling to $20 million and authorize an additional $4.35 million for land acquisition.

Indiana Dunes National Lakeshore was authorized on November 5, 1966, to protect the magnificent dunes that rise as high as 180 feet above Lake Michigan's southern shore as well as the beaches, bogs, marshes, swamps and prairie remnants.

Also included are historic sites such as an 1822 homestead and a 1900 family farm. The current boundary contains a total of 12,869.63 acres, of which the Federal Government owns 9,100.76 acres in fee and 478.45 acres in less-than-fee.

The parcels of land that are proposed for addition are widely scattered around the existing boundaries. Mr. Chairman, the approved general managemant plan does not contemplate this proposed boundary revision. We oppose an expansion of the boundary of the lakeshore without a clear showing of the need for additional lands through our normal planning process.

With regard to increasing the development ceiling, we would note that the National Park Service budget for fiscal year 1987 does not include any line-item construction projects for Indiana Dunes National Lakeshore because of their relatively low priority when compared with other park projects nationwide.

Increasing the development ceiling is unnecessary because a total of $12.113 million has been appropriated for development to date, which is already in excess of the existing development ceiling of $11 million. It is imperative that we not add low priority construction projects at a time when strong actions are necessary to reduce the budget deficit.

We do not object to the spirit of the proposed cooperative agreement for the planning, management and interpretation of recreation facilities along the Little Calumet River and Burns Waterway. However, such a cooperative effort can be undertaken using existing authority.

Similarly, special legislation is not needed to authorize a study of linking the east and west units of the lakeshore, nor is such authority needed for a study of establishing U. S. Highway 12 as the "Indiana Dunes Parkway," as required in both bills. Accordingly, we recommend against the enactment of either bill.

Regarding S.J. Res. 372—Astronauts Memorial in District of Columbia, we recommend that S.J. Res. 372 not be enacted.

This joint resolution would authorize the L–5 Society to establish a memorial on Federal land in the District of Columbia or its environs to honor America's astronauts and, in particular, those astronauts who have given up their lives.

The joint resolution provides that the L–5 Society shall be responsible for selecting a site for the memorial and preparing the design and plans for it, but the site and design would be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

It provides further that the United States shall not pay any expense for establishment of the memorial, that construction may not commence until the Comptroller General determines that amounts available to the L–5 Society from non-Federal sources are sufficient to erect the memorial and that authority to establish the memorial shall expire in five years unless construction begins during that period.

In order to provide for adequate review of the many commemorative proposals that are suggested for memorials on parklands in the Nation's capital, in 1973 the Secretary of the Interior established the National Capital Memorial Advisory Committee.

On May 22, 1986, the Advisory Committee considered the proposed legislation to authorize this memorial to America's astronauts. The Advisory Committee recommended that the Secretary of the Interior oppose such legislation.

At the meeting on May 22, the private sponsors of the memorial indicated that they planned to establish an initial structure and add to the memorial as events occurred in the future which are related to the achievement of astronauts.

The Advisory Committee recommended that the Smithsonian Institution's Air and Space Museum would be a more appropriate facility in which to display and commemorate space achievements. We believe the appropriate facility to interpret the continuing development of the story of man in space is a museum and not a commemorative memorial.

The Advisory Committee also recommended that the sponsors consider other facilities such as the Space Centers at Cape Canaveral, Florida, and Houston, Texas. We believe that either of these space centers would be more appropriate locations for memorials to the astronauts, rather than on parkland in the District of Columbia.

We understand in this connection that the families of the crew of the Challenger are supporting the development of a children's center to be located at or near the Johnson Space Center in Houston as a commemoration of the Challenger crew.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

Senator HECHT. Thank you.

If the panel will sit tight for one moment, I will accommodate Senator Quayle who has a tight schedule.

STATEMENT OF HON. DAN QUAYLE, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator QUAYLE. Thank you very much, Mr. Chairman.

I thank the indulgence of the panel. I will be rather brief and to the point.

I would ask unanimous consent that I have my entire statement included in the record.

Senator HECHT. That will be included.

Senator QUAYLE. Let me highlight a couple points, Mr. Chairman.

Every State has some things that they are proud of. In Indiana we are all very proud of our national treasure, the Indiana Dunes National Lakeshore. This legislation that I have introduced with Senator Lugar has a modest acquisition and very vigorous development program to the Indiana Dunes.

I might point out to the Chairman that this Indiana Dunes Park has not been dealt with on an acquisition basis since 1980. We have left it alone for six years now. I tried to put together a package that I called a design for the decade. We believe that we do have a strong consensus package.

I might point out, Mr. Chairman, there are a couple of points, particularly the three parcels of land that are included in the City of Gary. I am still negotiating on that. It is in the legislation. I do hope we can have it in the legislation.

However, I want to see a consensus piece of legislation because I know the only kind of bill that will move through here in the last few weeks in the Congress is one that has almost total unanimity. I am still working on that. I look forward to working with you.

I point out that last year alone the Indiana Lakeshore drew over two million visitors. It is a tremendous national resource. It is something that is of great importance to the State of Indiana and, I might add, to the nation.

My entire testimony talks about the similarities and the differences with the legislation that has been introduced and passed in the House of Representatives, H.R. 4037. I do not need to go into that at this time.

I do want to thank you, Mr. Chairman, for having these hearings. I look forward to working with you and other members of this subcommittee and the full Committee to move this legislation through this year. We have put in a lot of hard work. We have talked to a lot of people in our State.

We believe we have a good consensus bill that represents a very balanced approach, but it does in fact move in the right direction and that is to see a reasonable modest expansion of the Indiana Dunes. We have not done anything in six years and I believe now is the time.

I will be working with you. I thank you for this opportunity to appear today. It is very important to me. It is very important to our State and with that I thank you very much.

[The prepared statement of Senator Quayle follows:]

STATEMENT BY

SENATOR DAN QUAYLE

ON

S. 2812, LEGISLATION REGARDING THE INDIANA DUNES NATIONAL LAKESHORE,

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS,

RESERVED WATER AND RESOURCE CONSERVATION

SEPTEMBER 19, 1986

Mr. Chairman. I appreciate the willingness of this Subcommittee to schedule in such a timely fashion a hearing on legislation to enhance and expand the Indiana Dunes National Lakeshore. We are all aware of the time constraints which face the Congress, and the Subcommittee's ability to act expeditiously on S. 2812 and the House-passed bill, H.R. 4037, is very welcome. I especially want to thank the Subcommittee Chairman and his staff for their knowledgable, timely and thoroughly professional handling of this bill, which is of vital interest to the people of Indiana.

On August 26, I conducted a meeting in Chesterton, Indiana, with several individuals who are actively concerned about the Indiana Dunes. The purpose of the meeting was to discuss the House-passed bill and the future of the Dunes over the next decade. I came away from this meeting impressed that H.R. 4037 is a balanced bill.

At that meeting, participants shared with me their suggestions for improving the House bill. I have found many of these recommendations to be worthy, and they are included in the Lakeshore expansion bill that Senator Lugar and I introduced on September 11.

I believe our bill addresses the management, development and environmental needs of the Lakeshore for the foreseeable future. I believe it is a design for the next decade. We all wish to see the preservation of the unique and irreplacable resources of the Indiana Dunes, but we also realize that the creation and maintenance of the National Lakeshore must be accomplished in a way that respects the economic needs of Northwest Indiana as well as the fiscal realities of the federal government.

Let me briefly discuss the changes our Senate bill makes in the House-passed measure.

First, the Senate legislation restores the three parcels of land in Gary that were included in the bill originally introduced in the House, but deleted in the House committee mark-up. During my meeting in Chesterton, many participants emphasized the unique environmental qualities of all three of these parcels, particularly the Woodlake Dune Savannah. This 134-acre area has been identified by the State of Indiana and the Nature Conservancy as a natural area that needs to be preserved. It harbors some rare plant species considered threatened in Indiana. This area is also prone to unauthorized use by off-road vehicles that threaten the unique character of this area. I believe inclusion of the two other parcels in the Lakeshore will improve the management of the west unit of the park and accessibility to West Beach.

I have also been contacted by several landowners in the area of the Heron Rookery. They have expressed reservations about selling their land and the consequent loss to the local tax base. Because the current owners have no plans to use the land for any purpose but agriculture, one the Lakeshore finds consistent with protection of the herons, I believe a trigger mechanism is a more appropriate approach to acquiring this parcel than fee purchase. S. 2812 provides that the Park Service be authorized to negotiate for an agricultural easement for this land only in the event a landowner decides not to conduct farming operations on it any longer. Otherwise, landowners could continue their current practice of farming this property, and there would be no loss to the local tax base.

This legislation also accommodates the consensus expressed at my Chesterton meeting by adding about 30 more acres to the Salt Creek corridor, basically following the 620′ contour line. This will enable improved access for such activities as fishing and canoeing.

S. 2812 raises the authorization ceiling for development projects at the Lakeshore to $20 million. Because the existing authorization ceiling has been breached, it is necessary to address this matter. I believe that this $20 million ceiling will permit adequate development activities to take place within the Lakeshore for the foreseeable future.

To meet other management needs of the park besides acquisition, this legislation incorporates several features of H.R. 4037.

Two studies are to be conducted under both the House-passed bill and our legislation. The first would be a study of the feasibility of establishing portions of U.S. 12 as a scenic parkway. The second study would examine linking the west and east units of the Lakeshore. It is hoped that a system of trails for hiking or cross-country skiing could be accommodated. While I certainly think this needs to be studied, it is my hope the emphasis would be on assessing non-acquisition means of linkage, such as through easements, or cooperative agreements, wherever possible.

Like the House-passed bill, our legislation also grants the Secretary of Interior the authority to participate in planning recreational activities along the Little Calumet River and Burns Waterway. This is warranted because any development of recreational facilities outside the park boundaries will have an effect on the number of visitors to the park and the services it provides.

I urge this Subcommittee to give serious consideration to the testimony of the witnesses that are to appear before you today. Some will discuss issues that are not addressed in S. 2812, and I ask the Subcommittee to consider their points of view. I appreciate the difficult task the Subcommittee faces as it seeks to balance private concerns with the public good.

I should also note that I have been contacted by the Northern Indiana Public Service Company (NIPSCO) regarding existing statutory language governing utility and railroad rights-of-way. Some concern has been expressed to me that this language needs to be strengthened or clarified. I urge the Subcommittee to review the language that has been proposed to address this issue.

The Indiana Dunes National Lakeshore is an important asset to the Northwest Indiana region and to my State as a whole. Already an enhancement to the quality of life in the region, the park can also act as a drawing card for increased economic activity there. I believe our legislation makes improvements to the management, development and environmental quality of the Lakeshore that will carry it forward into the next decade. I urge this panel to give its favorable -- and prompt -- consideration to our bill.

Senator HECHT. Thank you, Senator, for taking time out to appear before us today.

Bill Horn has arrived. We would like to hear from you, sir.

STATEMENT OF WILLIAM P. HORN, ASSISTANT SECRETARY, FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. HORN. Mr. Chairman, I am William P. Horn, Assistant Secretary for Fish and Wildlife and Parks of the Department of the Interior. I am pleased to present our views on S. 2758, authorizing an exchange of land between the Department and the Aerojet-General Corporation.

The Department supports this legislation. Let me add that we are persuaded land exchanges of this type are a very important tool, a tool that in our mind has gone too long unused, for better use of Federal land assets and for the low-cost acquisition of needed conservation lands without increasing the Federal deficit.

However, we would suggest certain technical amendments. Moreover, other agencies of the Executive Branch have not had the opportunity to complete their review of certain aspects of this exchange. Therefore, we expect further comments on this legislation will be forthcoming.

S. 2758 would authorize the Secretary of the Interior to exchange approximately 55,000 acres of land in Nevada, presently under the jurisdiction of the Bureau of Land Management, for approximately 5,000 acres of wetlands in Florida owned by the Aerojet-General Corporation.

The Department is also authorized to sell the lands to be acquired in Florida to the South Florida Water Management District and to enter into an interim agreement with the District for management of the lands prior to the sale.

Finally, S. 2758 directs that all funds received from the sale of the Florida lands be utilized for acquisition of additional lands for the National Wildlife Refuge System in Florida.

The Department has been discussing the exchange proposal with Aerojet for several months, and we have agreed to it in principle, subject to Congressional approval. Authorizing legislation is needed due to the fact that the Department does not have the authority to enter into interstate land exchanges involving lands under the jurisdiction of the Bureau of Land Management. Maps showing the areas involved accompany this statement.

In the simplest terms, what the exchange provides is for the conveyance of two parcels of BLM-managed land in Nevada totaling approximately 50,000 acres to Aerojet. In turn, Aerojet will tender to us approximately 4,500 acres of land in Dade County, Florida.

These parcels are roughly of equal value. In turn, we would be authorized to sell the Dade County parcel to the Water Management District in south Florida and use the proceeds from that sale to acquire refuge holdings elsewhere in the State of Florida. As I am sure will be explained to the Committee today, Aerojet plans to use the Nevada lands for rocket testing and assembly work. This should add considerably to the economy of Nevada.

We have completed or are finishing an environmental review on endangered species conservation and work completed to date indicates no significant environmental effects will result from this exchange. In Florida the lands that we would acquire are immediately east of the Everglades park in Dade County. Because of their present semi-developed nature, the National Park Service has concluded these lands are not suitable for inclusion in the National Park System.

However, the South Florida Water Management District, a State agency responsible for water conservation and management in southeastern Florida and an excellent cooperator with the National Park Service on restoring sheet flow in the Everglades area, is interested in acquiring this property for water conservation purposes.

We believe that it is in everyone's best interests for this land to be sold to the Water District.

In terms of the pending measure, we are persuaded some technical amendments should be adopted.

First, given that passage of the legislation would constitute Congressional approval of the exchange, we believe there would be no useful purpose served in engaging in the extensive planning and hearing process that would be required if the exchange were conducted under the provisions of the Federal Land Policy and Management Act.

This would require a lengthy and expensive process aimed at determining if the land should be exchanged—a decision Congress would already have made. Accordingly, we would recommend that the references to the Federal Land Policy and Management Act be deleted and the exchange authorized under the terms of this legislation.

Second, we recently discovered that portions of two wilderness study areas have inadvertently been included in the area proposed for acquisition by Aerojet. Their deletion from the agreement would require that the acreage figures cited in the bill be revised to "approximately 50,000 acres of public land in the State of Nevada" and "approximately 4,500 acres of private land in Dade County, Florida."

Although not all of the Nevada lands have been surveyed, our best acreage figures for the exchange are 50,010 acres of public land in Nevada, valued at $2,339,550 and 4,460 acres of Aerojet land in Florida, valued at $2,341,500. Both sets of land have been appraised. The Federal Government would gain nearly $2,000 in land value from the exchange.

We would, therefore, need authority to make an interim conveyance of unsurveyed lands pending a survey, to be conducted at Aerojet's expense.

We have heard some concerns about the environmental review process being short-changed. Let me assure the Committee a comprehensive environmental impact statement was completed on the Coyote Canyon site. We are completing a thorough environmental assessment as well as endangered species consultation on all properties in Nevada.

Of course, in Florida, land sold to the Water Management District would be held for conservation purposes and proceeds from that sale to the Water District would be used to acquire refuge holdings in accordance with refuge plans. We think we have touched all the necessary review bases and assure the Committee we see nothing but environmental benefits emanating from this particular project.

In terms of using the proceeds from the sale of the property in Dade County, we have surveyed the needs in Florida and find pressing use for this money at the Lower Suwannee National Wildlife Refuge, on the central Gulf coast, and at the Key Deer National Wildlife Refuge in the Florida Keys. The Lower Suwannee NWR ranks second nationally on our acquisition priority list and, if the legislation were passed with this provision intact, we would utilize $1,650,000 to acquire 2,640 acres of wetlands there.

These lands are important areas for endangered and threatened species, including the Florida Manatee.

There are smaller tracts within the authorized boundaries of the Key Deer Refuge. Many of these tracts can be acquired from appropriated funds. However, two smaller tracts totaling 154 acres would be proposed for acquisition if this measure were to be passed, utilizing $650,000 from the proceeds of the Dade County property.

The Key Deer is one of our most endangered animals and this exchange would help us save the deer. This would make a total of 2,794 acres of land added to our wildlife refuge system. This land, at a value of $2.3 million, would be able to be acquired without adding to the deficit.

The area we would propose to acquire will be submitted to the Committee very, very shortly.

Mr. Chairman, this concludes my statement. I will be pleased to answer any questions you may have.

[The prepared statement of Mr. Horn follows:]

TESTIMONY OF WILLIAM P. HORN, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, REGARDING S. 2758, TO AUTHORIZE AN EXCHANGE OF LANDS BETWEEN THE INTERIOR DEPARTMENT AND THE AEROJET-GENERAL CORPORATION

September 19, 1986

Mr. Chairman, I am William P. Horn, Assistant Secretary for Fish and Wildlife and Parks of the Department of the Interior. I am pleased to present our views on S. 2758, authorizing an exchange of land between the Department and the Aerojet-General Corporation.

The Department support this legislation. However, we would suggest certain technical amendments. Moreover, other agencies of the Executive branch have not had the opportunity to complete their review of certain aspects of this exchange. Therefore, we expect further comments on this legislation will be forthcoming.

S. 2758 would authorize the Secretary of Interior to exchange approximately 55,000 acres of land in Nevada, presently under the jurisdiction of the Bureau of Land Management, for approximately 5,000 acres of wetlands in Florida owned by the Aerojet-General Corporation. The Department is also authorized to sell the lands to be acquired in Florida to the South Florida Water Management District, and to enter into an interim agreement with the District for management of the lands prior to the sale. Finally, S. 2758 directs that all funds received from the sale of the Florida lands be utilized for acquisition of additional lands for the National Wildlife Refuge System in Florida.

The Department has been discussing the exchange proposal with Aerojet for several months, and we have agreed to it in principle, subject to Congressional approval. Authorizing legislation is needed due to the fact that the Department does not have the authority to enter into interstate land exchanges involving lands under the jurisdiction of the Bureau of Land Management. Maps showing the areas involved accompany this statement.

As I am sure will be explained to the Committee today, Aerojet plans to use the Nevada lands for rocket testing and assembly work. This should add considerably to the economy of Nevada.

The lands the Department would acquire in Florida are immediately east of Everglades National Park, and were formerly a rocket assembly plant. Because of their semi-developed nature, the National Park Service has advised that these lands are not suitable for inclusion in the National Park System. However, the South Florida Water Management District, a State agency responsible for water conservation and management in Southeastern Florida, is extremely interested in acquiring the property for water conservation purposes. We accordingly believe it is in everyone's best interests for land to be sold to the District.

In addition, Aerojet will undertake to negotiate an agreement with the Water Management District giving the District an option to purchase an additional 1600 acres of land at the exchange location if Aerojet determines it does not need the property for business purposes within the next few years. This will further benefit water conservation in South Florida.

We do believe several technical amendments should be adopted to S. 2758 . First, given that passage of the legislation would constitute Congressional approval of the exchange, we believe there would be no useful purpose served in engaging in the extensive planning and hearing process that would be required if the exchange were conducted under the provisions of the Federal Land Management and Policy Act. This would require a lengthy and expensive process aimed at determining if the land should be exchanged - a decision Congress would already have made. Accordingly, we would recommend that the references to the Federal Land Management and Policy Act be deleted, and the exchange authorized under the terms of this legislation.

Secondly, we recently discovered that portions of two wilderness study areas had inadvertantly been included in the area proposed for acquisition by Aerojet. Their deletion from the agreement would require that the acreage fiqures cited in the bill be revised to "approximately 50,000 acres of public land in the State of Nevada" and "approximately 4500 acres of private land in Dade County, Florida".

Although not all of the Nevada lands have been surveyed, our best acreage figures for the exchange are 50,010 acres of public land in Nevada, valued at $2,339,550 and 4460 acres of Aerojet land in Florida, valued at $2,341,500. Both sets of land have been appraised. The Federal government would gain nearly $2,000 in land value from the exchange.

We would therefore need authority to make an interim conveyance of unsurveyed lands pending a survey, to be conducted at Aerojet's expense.

As a policy matter, the Administration opposes the avoidance of the appropriations and budget process. The provisions of this legislation would permit us to double our conservation benefit by protecting both the Aerojet land and receiving new funds for Refuge acquisitions.

We have surveyed the needs in Florida, and find pressing use for this money at the Lower Suwannee National Wildlife Refuge, on the central Gulf coast, and at the Key Deer National Wildlife Refuge in the Florida Keys. The Lower Suwannee NWR ranks second nationally on our acquisition priority list, and if the legislation were passed with this provision intact we would utilize $1,650,000 to acquire 2,640 acres of wetlands there. This would be in addition to the 3,600 acres we would acquire there with the $1.5 million that both the House and Senate versions of our appropriation bill provide for acquisition there.

In addition, there are several smaller tracts within the authorized boundaries of the Key Deer Refuge that are facing an imminent threat of development. Most of these can be acquired from the appropriated amounts, the total of which will need to be resolved by the Conference Committee, and two smaller tracts totalling 154 acres could be acquired for $650,000 of the funds S. 2758 would make available. The acreage differential here is due to the extremely high land values in the Florida Keys.

This will make a total of 2,794 acres of land added to the National Wildlife Refuge System, valued at $2.3 million.

This concludes my prepared statement. I would be pleased to answer any questions you may have.

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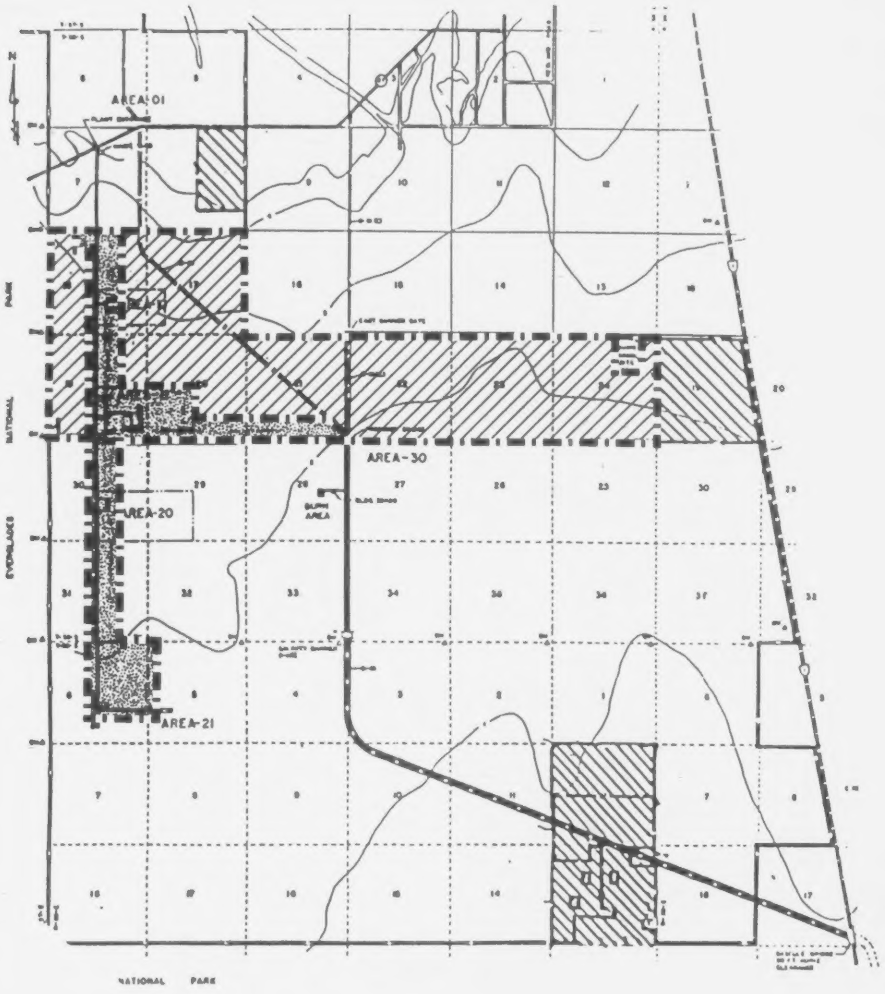
DADE COUNTY, FLORIDA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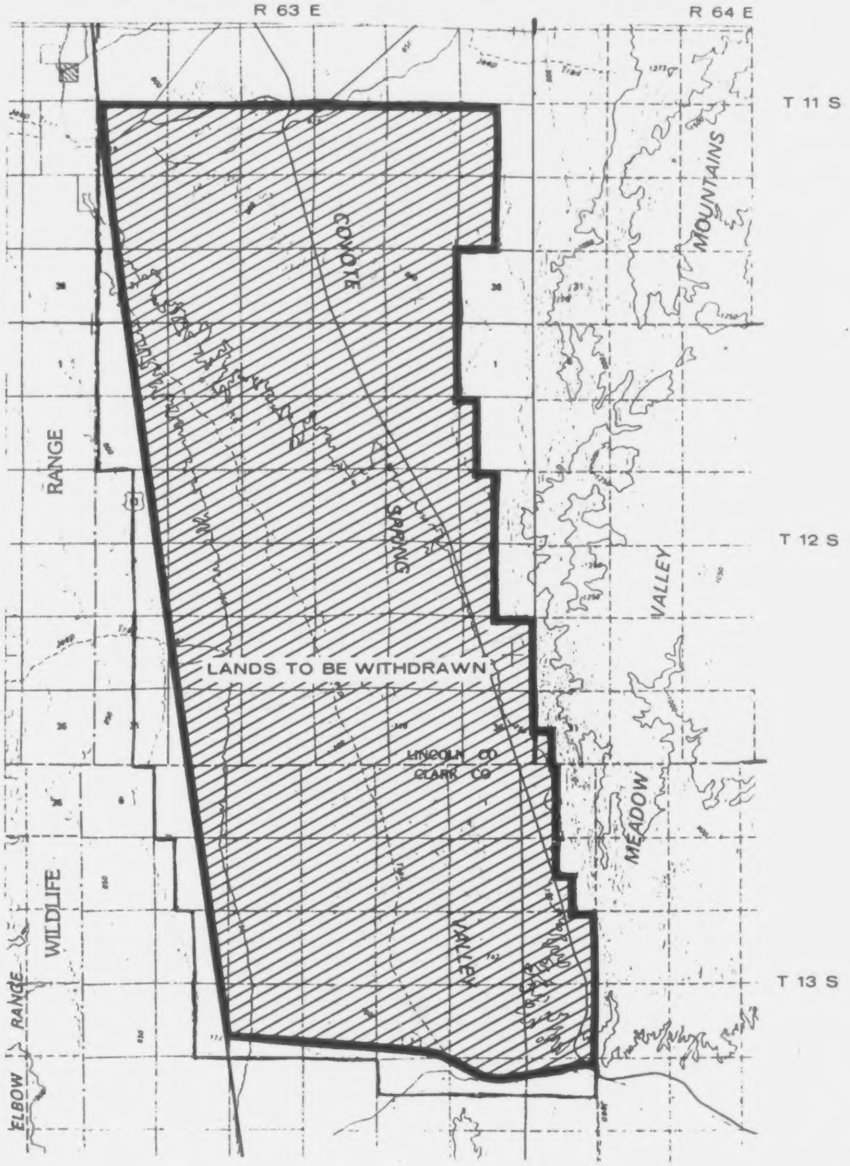
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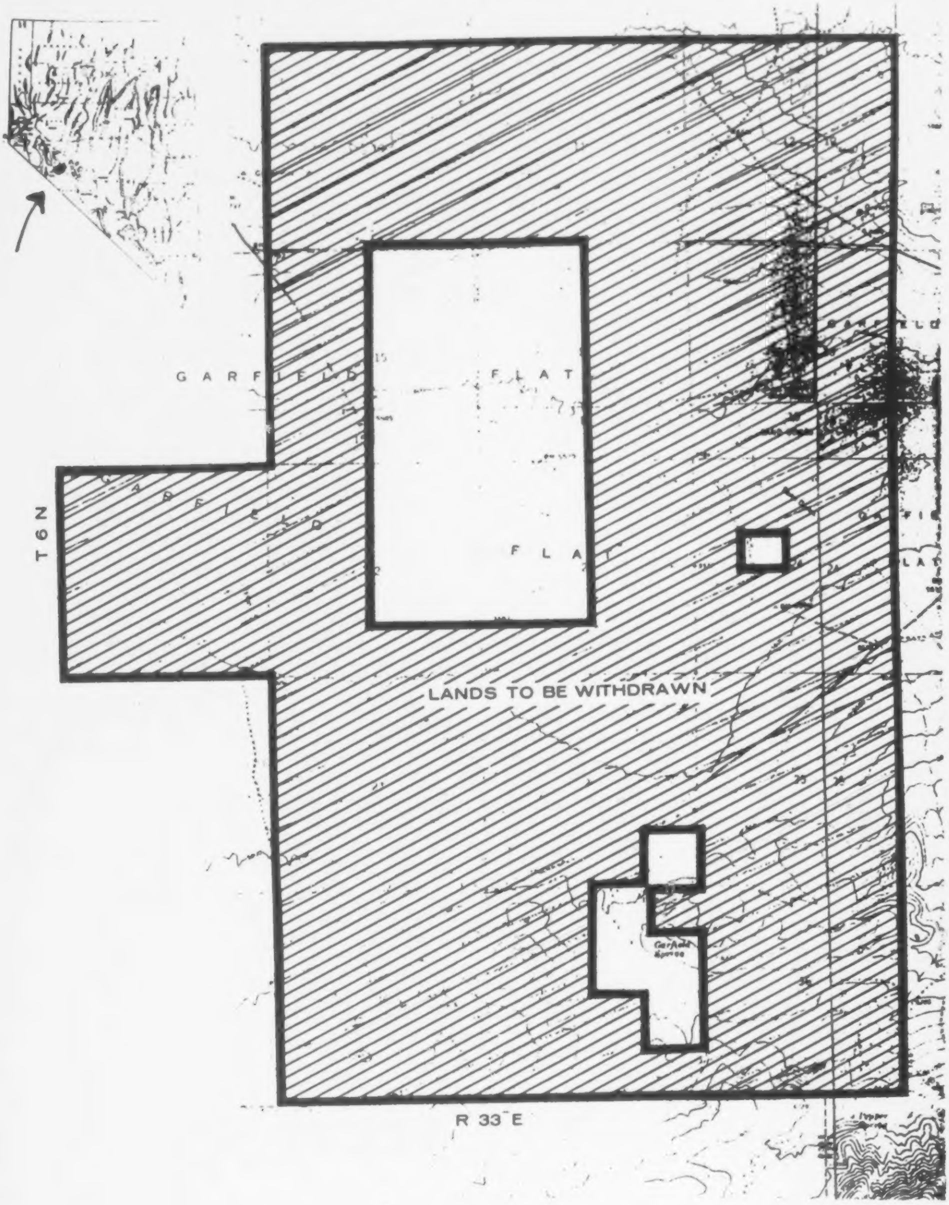
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Senator HECHT. Thank you very much.

I do have one thought that came to mind as I listened to you talk and that is that I think it is a classic example of how well Government and private industry can work together and achieve gains in conservation for our national defense.

I commend you on everything you are doing on that behalf.

Mr. HORN. Thank you, Mr. Chairman. We appreciate the support, not only of yourself, but members of the Florida delegation because we, too, think this is one of the unique opportunities for a win-win on economic development and conservation and, at the same time, without needing additional appropriation funds.

Senator HECHT. And national defense. Do not leave that out.

Senator Hawkins submitted a statement for the record.

[The prepared statement of Senator Hawkins follows:]

STATEMENT BY SENATOR PAULA HAWKINS

BEFORE THE

SENATE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION

ON S. 2758

September 19, 1986

Mr. Chairman, I am pleased to testify in support of S. 2758. I introduced this bill along with my colleagues from Nevada, Senator Laxalt and Senator Hecht to authorize the Secretary of Interior to exchange approximately 55,000 acres of public land in Nevada for approximately 5,000 acres of privately owned land in Florida. The bill would also enable the U.S. Fish and Wildlife Service to acquire valuable wildlife habitat in the Lower Suwannee Refuge in Florida.

The Florida land, located in Dade county, is currently owned by Aerojet-General Corporation. Under a proposed agreement, Aerojet would exchange this land for the Nevada acreage of approximately equal value located in Clark County, about 45 miles northeast of Las Vegas. This land is currently managed by the Bureau of Land Management. Aerojet will use the Nevada land as a test facility for rocket engine research.

The exchange proposal is supported by the Interior Department. Assistant Secretary for Fish, Wildlife and Parks, William P. Horn, said that in the exchange "Nevada receives a welcome economic boost, Florida adds important land to its water conservation system, and the resulting funds will help preserve the Suwannee River area."

As the Department of the Interior has indicated that the Aerojet property in Florida does not possess values significant enough to merit addition to the National Wildlife Refuge System or the National Park Service, the legislation authorizes its sale to the South Water Management District so that DOI may purchase land which it believes should be included in the system. The South Water Management District has agreed to purchase the property.

Of particular interest to the preservation of our state's natural beauty and wildlife is the acquisition of about 6-8,000 acres of upland habitat in the Lower Suwannee National Wildlife Refuge. Now we will be able to save that valuable land.

The Lower Suwannee Refuge encompasses the mouth of the Suwannee River as it empties into the Gulf of Mexico. The wetlands, floodplains, and tidal creeks of the refuge comprise one of the largest undeveloped, natural river delta-estuarine complexes in the United States.

In addition, the area supports large populations of deer and small mammals and provides vital wintering habitat for migratory waterfowl. Endangered and threatened species will also benefit. The American alligator and eastern indigo snake nest on the refuge, and the bald eagle, wood stork, and peregrine falcon are found there during portions of the year. The endangered Atlantic loggerhead turtle, Atlantic ridley turtle, West Indian manatee, and the threatened Atlantic green turtle also use refuge waters.

This exchange represents an innovative approach to land acquisition for important wildlife areas. No federal funds will be necessary and both Florida and Nevada will profit. The Aerojet test site in the Nevada desert will create much-needed jobs in the area and the South Florida Water Management District will be able to consolidate their ownership in the area and better manage their water regimes.

Senator **Hecht**. Next is Ms. Kristine Marcy.

STATEMENT OF KRISTINE M. MARCY, ACTING DEPUTY TO THE ASSISTANT SECRETARY—INDIAN AFFAIRS (TRUST AND ECONOMIC DEVELOPMENT), DEPARTMENT OF THE INTERIOR

Ms. **Marcy**. Thank you, Mr. Chairman.

I am pleased to be here today to present the views of the Department on S. 2599 which would transfer certain public domain lands in trust for the Pueblo of Zia.

I have submitted a formal statement as my colleagues have. At this time I will briefly summarize my statement.

This bill would enable the Pueblo of Zia to consolidate current land holdings and protect religious sites in the area. The Zia Pueblo currently holds a grazing lease on the acres to be transferred. The acreage is surrounded by Indian land and is isolated from other land managed by the Bureau of Land Management, consequently making it difficult for that agency to manage it effectively.

However, the Department has certain objections to the bill and would recommend amendments.

First, we believe that the provisions that are included in section 203 of FLPMA providing for fair market value should be adhered to in this case. In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) (FLPMA) and policy of the Department, the Pueblo as well as any other entity should be required to pay fair market value.

Second, there are certain other amendments we would like to recommend which would amend section 3 of the bill providing for tax treatment of the land. We believe that this section of the bill is unnecessary as there are existing statutes which exempt trust lands from Federal, State and local taxation.

We are generally supportive of the bill; and subject to the amendments, which I have suggested, we believe that enactment would be in the best interest of the Pueblo.

This concludes my formal remarks. If you have any questions, I will be happy to answer them.

Senator **Hecht**. Thank you. Your entire statement will be made a part of the record.

[The prepared statement of Ms. Marcy follows:]

STATEMENT OF KRISTINE M. MARCY, ACTING DEPUTY TO THE ASSISTANT SECRETARY - INDIAN AFFAIRS (TRUST AND ECONOMIC DEVELOPMENT), DEPARTMENT OF THE INTERIOR, BEFORE THE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION, UNITED STATES SENATE, ON S. 2599, A BILL "TO DECLARE THAT THE UNITED STATES HOLDS CERTAIN PUBLIC DOMAIN LANDS IN TRUST FOR THE PUEBLO OF ZIA."

September 19, 1986

Good morning Mr. Chairman and Members of the Committee. I am pleased to be here to present the views of the Department of the Interior on S. 2599, a bill "To declare that the United States holds certain public domain lands in trust for the Pueblo of Zia."

We would have no objection to the transfer proposed by S. 2599 provided that the bill is amended to provide for payment by the tribe of fair market value for the lands transferred from Bureau of Land Management (BLM) jurisdiction, and to relieve the BLM from any responsibility for administering the mineral leases on the land and for renewal of the rights-of-way. In keeping with National policy, the Pueblo of Zia as well as any other entity should be required to pay fair market value for public lands.

Section 1 of S. 2599 provides that all rights, title, and interest of the United States in approximately 1,840 acres (more or less) of land situated within Sandoval County, New Mexico, shall be held in trust by the United States for the benefit and use of the Pueblo of Zia.

Section 2 provides that lands transferred to the tribe under the provisions of the bill shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian tribes. This Section also provides that all gross receipts derived by the United States from this land and received by the United States after the date of enactment shall be administered in accordance with laws generally applicable to receipts from property held in trust by the United States for Indian tribes.

Section 3 of the bill exempts the lands transferred and receipts from the land from Federal, State, and local taxation as long as the property is held in trust. This Section also sets out that any distribution of receipts from the lands to tribal members will not be subject to any taxation or included as income or resources for the purpose of reducing or denying eligibility for any Federal assistance programs. We suggest that this section be amended to delete this latter provision beginning on page 3, line 9 so that laws generally applicable to the treatment of distributions of tribal income to tribal members will apply to income from lands involved in S. 2599.

Section 4 of the bill provides for the rejection of any applications for mineral leases pending on the date of enactment and requires the return of any advance rental payments to the applicants.

Section 5 provides that nothing in the bill shall deprive any person of any lease, right-of-way, mining claim, grazing permit, water right, or other right or interest such person may have in the lands the day before the date of enactment.

Section 5(b) limits the water rights that are appurtenant to the land to those rights under State law on the day before enactment of S. 2599.

Section 5(c) addresses a right-of-way for a 115 KV transmission line issued to Plains Electric Generation and Transmission Cooperative, Inc. This right-of-way was granted on April 18, 1961. This section sets out specific provisions regarding renewal rights and that renewal fees are to be determined by the BLM. Zia Pueblo is also prohibited from levying any charges, fees or taxes against the right-of-way or facilities and revenues in connection with the right-of-way or portion of the right-of-way that traverses the lands described in Section 1. Plains Electric has been consulted with regard to this bill and their concerns have been addressed.

Section 5(d) addresses existing oil and gas leases on the lands described in Section 1, Yates Petroleum Corporation, and Merle C. Chambers. The lease to Merle C. Chambers yields a yearly rental of $1.00 per acre and will terminate on November 30, 1987. The lease to Yates Petroleum Corporation yields a yearly rental of $1.00 per acre and will terminate on April 30, 1993. Yates Petroleum Corporation has been consulted with regard to this bill and their concerns have also been addressed. In addition, these leases will continue to be administered by the BLM with the receipts managed in accordance with laws applicable to receipts from property held in trust by the United States for Indian tribes.

This legislation arises from efforts by the Pueblo of Zia to consolidate its land holdings and protect Pueblo religious sites in the area. The lands to be transferred are within the boundaries of the current reservation. The Pueblo of Zia presently holds grazing leases on the entire 1,840 acres, which are administered by the BLM. The lands are surrounded by Indian land and are isolated from other lands managed by the BLM, making it difficult for the BLM to give proper management attention to the area.

The land is valued at approximately $200 per acre, based on the value of other comparable grazing land in the area, yielding an estimated fair market value of $368,000. There are no known minerals in the subject lands. We believe that the purchase of the subject land would be within the Pueblo's means. In fact, in March of 1980, the Pueblo purchased 320 acres of fee land from Mrs. Estrella Garcia. In conjunction with this purchase, the Pueblo obtained from Mrs. Garcia the BLM grazing permits to the land described in this bill. Since that time the fee land was given trust status and is administered by the BIA.

With regard to the existing third-party interests, attempts have been made to adequately protect their interest in the land. As of this date there is no oil and gas activity on the land and there is not expected to be any in the near future. To our knowledge no attempts were ever made by either of the lessees to actively explore for oil and gas.

The addition of the land to Zia Pueblo Reservation will not adversely impact agency programs. In fact, it will clear up jurisdictional problems caused by having checkerboard land holdings and will enhance range management efforts of the land for Zia Pueblo. It is for this reason that we do not oppose enactment of S. 2599. However, we know of no reason for conveying the land in question without payment of fair market value.

This concludes my prepared statement. I would be pleased to answer any questions the Committee may have.

Senator HECHT. Last on the panel, our great friend of Nevada, Max Peterson.

STATEMENT OF R. MAX PETERSON, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. PETERSON. Thank you, Mr. Chairman.

You have my prepared statement. It parallels Mr. Parker's statement. We support the enactment of S. 2698, the Nevada interchange bill, if it is amended to add additional States and to transfer lands from the Forest Service to the BLM to parallel the FS/BLM interchange.

There are 23,000 acres of national forest land along the eastern front or the west side of Nevada on the east side of the Sierras that is proposed to transfer from Forest Service to BLM just to make those boundaries more understandable to the public.

So, we recommend that transfer in the other direction as part of the interchange. We would hope that you could add other States. Let me explain briefly why we think that is important and explain why it is different than the wilderness bill that some people have referred to.

The wilderness bill only changes the management of the land. It does not change the agency administering the land or change people's responsibilities in terms of which agency manages it. When we do an interchange and consolidate offices and make other kinds of changes, we have to be concerned about how you handle the people who are affected.

If we have multi States, we can then handle the people who are affected by the interchange because some offices will be consolidated and we will have less people there, but as we develop vacancies in other States, we can take care of it. If we have consolidated offices in other states, we can take care of the people.

On a state-by-state basis it is very difficult to take care of the people involved. Also if we handle it on a state-by-state basis, we will be six or seven years handling this and we will have a great deal of uncertainty and a great deal of concern out there of what will happen and when.

Although we applaud the prompt effort on the Nevada bill, we would certainly hope that other States where there is agreement, and there are several other States, we would be glad to work with you on other states where there is agreement, the package also of interchange does involve transfer of subsurface. We hope that can be included as a total part of the package, although not in one State, but for multi States.

A couple of other technical problems. The Ruby Mountain Area, east side, has already been transferred. It is still included in this bill. So, we need to make that consistent.

There are a couple other technical corrections we will be glad to give you, Mr. Chairman.

[The prepared statement of Mr. Peterson follows:]

STATEMENT OF
R. MAX PETERSON, CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, Reserved Water and Resource Coservation
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2698, A Bill "To transfer certain public lands in Nevada to the Toiyabe, Humboldt, and Inyo National Forests."

September 19, 1986

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am pleased to have this opportunity to present the Department of Agriculture's views on S. 2698, a bill to transfer to the Forest Service (FS) certain public lands in Nevada currently administered by the Bureau of Land Management (BLM).

We will support enactment of S .2698 if amended to add additional States and to transfer lands from FS to BLM to parallel the FS/BLM interchange proposal transmitted to Congress in February and introduced as S. 2289. We strongly recommend a national or multi-State approach to the interchange issue rather than a State-by-State approach.

S. 2698 is similar to the FS/BLM interchange proposal regarding transfer of BLM administered lands to the FS in Nevada but it does not reflect either the transfer of FS administered land to BLM or the transfer of subsurface management as requested in the FS/BLM interchange proposal. These are key parts of the total proposal. We reemphasize that it is more appropriate to examine interagency land transfer opportunities on a national basis. A State-by-State approach would severely impact employees involved because only limited placement opportunities would be available. It would also cause confusion with outside user groups, could cause problems where a National Forest unit overlaps State boundaries, and cause other prolonged uncertainities. For example, it is very difficult to staff offices and maintain efficient operations if the fate of an office is uncertain. Implementation of a State-by-State transfer would make it difficult to maintain consistant national policy and result in regulations and maps being in a state of flux for several years.

S. 2698 would transfer approximately 511,000 acres of public lands administered by the Bureau of Land Management in Nevada to the Forest Service. The affected lands are in the Spring Mountains (Las Vagas District of the Toiyabe Forest), in the eastern Sierras (Toiyabe and Inyo National Forests), near the Ruby Mountains (Humboldt National Forest), and adjacent to the Utah border and Mount Moriah (Humboldt National Forest). S. 2698 would also modify the boundaries of these National Forests to accommodate the transfer and treat the revised boundaries as if they were the boundaries of the National Forests as of January 1, 1965, for the purposes of the Land and Water Conservation Fund Act of 1965.

The bill would not change the status of two BLM wilderness study areas, therefore, would require the Secretary of Agriculture to manage these areas in accordance with the provisions of Section 603(c) of FLPMA until Congress designates them as wilderness or releases the areas from further wilderness consideration.

S. 2698 would require the Secretary of the Interior to complete any pending appeals, adjudication, or reviews, involving the lands to be transferred, but would allow the Secretary of Agriculture final administrative review. S. 2698 would not change any law governing the management of subsurface mineral resources and would protect existing water rights.

In addition to our preference for a national interchange bill we have several technical concerns related to S. 2698. I will briefly mention each of these .

Approximately 15,000 acres on the east side of the Ruby Mountains were recently transferred from BLM to the Forest Service by P.L. 99-387. To eliminate confusion and conflicting legislation, we have attached a proposed amendment to eliminate this duplication.

The Administration's FS/BLM interchange proposal provided for 23,000 acres of FS administered lands to be transferred to BLM. This portion of the interchange is not provided for, therefore, we recommend that S. 2698 and the referenced map be amended to provide for this transfer of National Forest system lands to BLM.

S. 2698 does not address the ongoing land management planning efforts to resolve any problems with draft or final land management plans. We have attached an amendment that, if included, would address the concerns and questions raised by S. 2698.

S. 2698 only provides for the protection of water rights. This raises questions on the status of other rights and permits including the status of BLM grazing permits. We have attached an amendment which would make this transfer consistent with other proposals and legislation.

In summary, S. 2698 appears similar to the Nevada portion of FS/BLM interchange proposal, but provides for only a one way transfer and leaves several other questions unanswered. We strongly recommend that before the committee takes further action on this bill that it consider the problems with State-by-State legislation and implementation, and return to a National or at least a multi-State approach.

Thank you for the opportunity to testify. I would be happy to respond to any questions the Committee might have.

S 2698
USDA Recommended Amendments

Delete the period at the end of section 3(a)(2)(c) and insert the following: ",except those lands brought within the boundaries of the Humboldt National Forest by the Act of August 23, 1986 (P.L. 99-387),"

Insert the following new sections 7 and 8 and renumber the present sections 7 and 8 as sections 9 and 10, respectively.

"SEC. 7. VALIDITY OF EXISTING RIGHTS.

(a) Nothing in this Act shall affect valid existing rights of any person under any authority of law as of the date of enactment of this Act.

(b) Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued: Provided, That such laws and regulations will be exercised by the Secretary to whom jurisdiction over affected lands has been transferred. However, renewals and extensions shall be subject to the laws and regulations pertaining to the agency which has jurisdiction of the land at the time of renewal or extension. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying the renewal or reissuance of any such authorization."

"SEC. 8. LAND MANAGEMENT PLANNING.

Lands transferred to the jurisdiction of the Secretary of Agriculture shall hereafter be subject to the planning requirements of section 6 of Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), and lands transferred to the jurisdiction of the Secretary of the Interior shall hereafter be subject to the planning requirements of Federal Land Policy and Management Act of 1976 (FLPMA). All transferred lands shall continue to be managed in accordance with plans in effect on the date of enactment of this Act, until considered in plans developed under applicable provisions of law. If no plans are in effect on the date of enactment of this Act, the respective transferred lands shall be managed in a manner consistent with other national forest or public lands, as the case may be, in the vicinity until a plan is developed under applicable provisions of law. Nothing in this Act shall require amendment or revision of the existing plans governing public lands or national forests affected by the addition or deletion of lands transferred by this Act."

Senator HECHT. Thank you.

There are no questions at this time. We will have questions for you at a later time. We have many people who have traveled a long way to testify today. I want to hear from them.

Thank you all very much.

The next panel is Mr. R. Leo Penne, Director, State of Nevada Washington Office; Mr. Thomas "Spike" Wilson, Co-Chairman, National Forest Task Force of Nevada, State Senator; Ms. Jean Perry-Jones, Secretary, Evergreen Alliance; and Ms. Gail Harris, Southern Nevada Vice Chairman, Friends of Nevada Wilderness.

Welcome to Washington, all of you. It is nice to see you here. You have traveled a long way, 3,000 miles. So, we are not going to hold you to the three minutes because I think you are entitled to more than a minute every thousand miles.

We are coming along pretty well. I will give the same courtesy to some of the other panels who have come a long way.

Before we begin I want to read a statement that Senator Sue Wagner asked me to read into the record.

> Dear Senator Hecht: As Co-Chairman of the National Forest Task Force of Nevada, I very much wanted to attend this hearing on the National Forest of Nevada Enhancement Act. I regret that previous commitments have made this impossible.
>
> Although I am not in person at this hearing, the Subcommittee on Public Lands is very much in my thoughts today. The bill you are considering is one that I care deeply about and worked hard on for over a year. I am grateful to see it come this far.
>
> I want to thank you and Senator Wallop for making this hearing possible. You have given Nevada the opportunity to say how important the Enhancement Act is to our State. I enthusiastically endorse this bill that you and your colleagues and the Nevada delegation have introduced and co-sponsored as a united, bipartisan effort.
>
> The Enhancement Act is special. It improves the quality of land management in Nevada while at the same time promoting the economic efficiency in land management agencies. By adding over a half million acres of BLM public land in the Humboldt National Forest, more of Nevada's natural resources will have the benefit of the U. S. Forest Service's expertise and professionalism.
>
> Because these lands already are contiguous to national forest units and are national forest in character, they will be more efficiently managed as a national forest. One agency instead of two will administer these areas. This act proves there are ways to quality management without spending more of the taxpayers' dollars.
>
> To further promote this type of Government efficiency, I support the people of Nevada who are asking all of Spring Mountain and not just the northern portion be included in this Act. As you draw final boundaries for the Spring Mountain addition, I hope you will include Lovell Canyon and Mount Potosi.
>
> The prayers and hopes of many Nevadans are with you as you consider this legislation.
>
> Thank you. State Senator, Sue Wagner.

First to appear on behalf of our great State of Nevada, Mr. R. Leo Penne, on behalf of Governor Richard H. Bryan, Director of the State of Nevada Washington Office.

STATEMENT OF R. LEO PENNE, DIRECTOR, STATE OF NEVADA WASHINGTON OFFICE, ON BEHALF OF GOVERNOR RICHARD H. BRYAN

Mr. PENNE. Thank you.

It is a pleasure to appear before you today on behalf of Governor Bryan in support of the National Forest of Nevada Enhancement Act. Heeding the good sense of your remarks, I will be very brief.

I have a short written statement for the record and I will make my remarks even shorter, allowing time for those who have made the tough 3,000-mile trip here to speak to you on this subject.

Senator HECHT. Thank you for your courtesy.

Mr. PENNE. The State of Nevada supports and urges the rapid passage of the National Forest of Nevada Enhancement Act. This bill, as you know very well, enjoys wide and deep support in the State. It grew out of the ill-fated Federal land interchange proposal.

Nevadans, not always united, united in unprecedented numbers to oppose that proposal which would have virtually eliminated Nevada's national forest. It is clear that Nevadans wanted to keep the green on the map of their State.

During State-wide hearings on the proposal many suggested a different idea, that some additional public lands should instead be transferred to the Forest Service, enhancing and enlarging the State's national forest. The bill would transfer over a half million acres of public lands to the State's national forest. These lands are adjacent to existing forest lands and it, therefore, would accomplish the goal of simplifying agency boundaries, increasing agency efficiency and cost effectiveness.

The largest land areas are near the major metropolitan areas, Las Vegas, Reno and Carson City. They have heavy recreational use and they need the recreational management and expertise that the Forest Service can provide.

Nevada's efforts to broaden the State's tourist appeal and strengthen and expand its economy will be enhanced by adding this green to the map and increasing outdoor potential. Most importantly, the bill will lead to the improvement of the natural resources of these lands for the benefit of present and future generations of Nevadans and all who visit the State.

In January of this year a representative of Governor Bryan met with the Nevada Congressional delegation, the leaders of the National Forest Task Force of Nevada, and leaders of both the Forest Service and Bureau of Land Management. Out of that meeting came a general agreement on the land transfers presented in this bill.

This bill would be good for Nevada. Its passage should not be hindered by the fact that it grew out of the interchange proposal. An overshelming majority of Nevadans from all parts of the State, from all walks of life, support these land transfers.

Governor Bryan wishes to thank you, Mr. Chairman, and the other members of the Nevada delegation for your efforts today and we ask the assistance of this Committee and the Congress in securing passage of this bill before the session comes to a close.

Thank you.

[The prepared statement of Mr. Penne follows:]

TESTIMONY BY

R. LEO PENNE
DIRECTOR
STATE OF NEVADA
WASHINGTON OFFICE

ON BEHALF OF

THE HONORABLE RICHARD H. BRYAN
GOVERNOR
STATE OF NEVADA

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
RESERVED WATER, AND RESOURCE CONSERVATION
UNITED STATES SENATE

REGARDING

NATIONAL FORESTS OF NEVADA
ENHANCEMENT ACT

WASHINGTON, D.C.
SEPTEMBER 19, 1986

Mr. Chairman and members of the Committee, I am Leo Penne, Director of the Nevada Washington Office. It is a distinct pleasure for me to appear before you today to present testimony on the National Forests of Nevada Enhancement Act on behalf of Governor Richard Bryan.

The State of Nevada supports and urges the rapid passage of the National Forests of Nevada Enhancement Act. This bill enjoys widespread support across the state.

The idea for this bill grew out of the ill-fated federal land interchange proposal. Nevadans united in unprecedented number to oppose that proposal, which would have virtually eliminated Nevada's national forests. We made it clear that we want to keep the green on the map of Nevada. During statewide hearings on that proposal, many suggested a different idea: that some additional public lands should instead be transferred to the Forest Service, enhancing and enlarging our national forests.

This bill would transfer over a half million acres of public lands to Nevada's Toiyabe and Humboldt National Forests. These lands are adjacent to existing national forest lands. This bill would, therefore, accomplish the goal of simplifying agency boundaries, increasing agency efficiency and cost-effectiveness.

The lands selected for transfer are suitable for inclusion in the national forest system and would benefit from the Service's professional multiple-use management. The transfer would consolidate the management of important wildlife and watershed values. The lands near the Ruby Mountains had been recommended for such transfer for a number of years, before the interchange proposal even surfaced. The largest land areas are near our major metropolitan areas (Las Vegas, Reno and Carson City), see heavy recreational use, and need the recreation management expertise of the Forest Service. Especially significant are Forest additions to the Spring Mountains, the Mt. Potosi area, and Lovell Canyon.

Nevada's efforts to broaden the state's tourist appeal will be enhanced by adding to the green on our map and by increasing our outdoor recreational potential. Most importantly, we expect this bill to lead to the improvement of the natural resources on these lands, for the benefit of present and future generations of Nevadans and all who visit our state.

During the public hearings on the interchange proposal, we testified that we were completely opposed to that proposal, but that we would be willing to participate in the development of a proposal that was based on Nevada's needs and made sense for our State.

In January of this year, my representative met in Washington with our Congressional delegation, the leaders of the National Forest Task Force of Nevada, and leaders of both the Forest Service and the Bureau of Land Management. We came to a general agreement on the land transfers presented in this bill.

The National Forests of Nevada Enhancement Act would be good for Nevada. Its passage should not be hindered by the fact that it grew out of the interchange proposal. An overwhelming majority of Nevadans, from all parts of the state and from all walks of life, support these land transfers.

We ask the assistance of this Committee in securing the passage of this bill before this Session comes to a close.

Senator HECHT. Thank you for testifying on behalf of Governor Bryan.

Our next witness is a man whom I had the pleasure of serving with in the Nevada State Senate. I know of no one who has better served our State with more dedication than you, "Spike."

Senator Wilson.

STATEMENT OF HON. THOMAS R.C. WILSON, CO-CHAIRMAN, NATIONAL FOREST TASK FORCE OF NEVADA, NEVADA STATE SENATOR

Senator WILSON. Thank you, Mr. Chairman.

For the record, my name is Thomas Wilson. I am a Co-Chairman of the Ad Hoc National Task Force of Nevada and President Pro-Tem of the Nevada Senate.

Despite your warm welcome and invitation to speak without limit, I will not abuse that or take advantage of that. I do not intend to read my statement. I note I neglected to tender the original one and map of reference which should be made part of the Committee record, because the map particularly more than rhetoric in the letter identifies with some definition the areas we are talking about.

I am not going to read my statement because you are well aware of the facts and circumstances that led to the introduction of the bill by you and Paul Laxalt, and I support the bill for the same reasons.

We are talking about not a great deal of land, four pieces in all, the east slope of the Rubies, Mount Moriah, eastern slope of the Sierra Nevadas, and 192 acres in the Spring Mountain Range.

We also endorse the inclusion of the additional 50 or 60 acres in Lovell Canyon and Mount Potosi. We think that ought to be included as well.

I am going to depart from my formal statement. You are aware of the facts and circumstances. The statement will be part of the record and the reasons for the bill are not a mystery. I would comment only briefly, though, to the circumstances of this bill and a bit of history and direct you to the testimony of Mr. Parker of the BLM and Mr. Peterson, Chief of the Forest Service.

It was in January of this year that myself and Fred Gibbons, and Sue Wagner, Co-Chairman of our ad hoc group, as well as representatives of the Governor, yourself and the rest of the Nevada delegation and respective staffs met in a comprehensive, lengthy meeting of the Nevada delegation to discuss the part of the national interchange bill as it would apply to Nevada.

The content of S. 2698 represents really the agreement and consensus agreed to by all parties at that meeting, including the Bureau of Land Management and the U. S. Forest Service. To suggest now that those two agencies would support the bill if only it were amended to include the substance of the National Interchange Act would be to so amend the bill as to weight it to the point, frankly, where it would sink below the waters of all the opposition of the National Interchange Bill.

If the portion of the National Interchange Bill as it applied to Nevada has merit and validity, then it certainly has merit and validity as it applies to Nevada now. Frankly, I do not mind saying for the record I am at a loss to understand the change in position on the part of the Bureau of Land Management and the Forest Service with respect to your bill.

To argue on the one hand it simply should be amended to include the national bill belies the very reason for the introduction of S. 2698.

On behalf of the task force and all of those in Nevada who are concerned about this bill, I urge its prompt passage.

With respect to Mr. Peterson's point that 23,000 acres of Forest Service land be transferred to the Bureau of Land Management along the eastern slope of the Sierra Nevadas to clarify the boundary, that certainly was not an element discussed with you in January nor is it part of your bill for that reason.

That is new to this discussion as far as I am concerned and as far as most Nevadans are concerned. I suggest it be rejected as well.

That is really all I have to say. I know I am being uncharacteristically brief, but we appreciate the chance to appear before you today and having this chance to speak in support of your bill.

[The prepared statement of Senator Wilson follows:]

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CLIFF YOUNG
NV Supreme Court

September 19, 1986

The Honorable Malcolm Wallop, Chairman
Subcommittee on Public Lands
Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Senator Wallop:

I would like to submit this letter as the official testimony of the National Forest Task Force of Nevada at the September 19 Public Hearing on The National Forests of Nevada Enhancement Act (S2698). The Task Force is a bipartisan organization of Nevada leaders from all parts of the state and all walks of life. We formed almost two years ago to save Nevada's national forests, the Toiyabe and Humbodt, from elimination by the BLM/Forest Service land exchange (Interchange). The bill before your subcommittee, which would add over a half million acres of BLM's public lands to the Toiyabe and Humboldt National Forests, is a positive outgrowth of that effort. The Task Force wholeheartedly endorses the National Forests of Nevada Enhancement Act and urges its speedy passage.

THE LANDS ADDED WOULD BE CONTIGUOUS TO THE PRESENT TOIYABE AND NATIONAL FOREST HOLDINGS AND OF THE SAME CHARACTER

The proposed lands to be added are approximately:

15,000 acres along the East slope of
the Ruby Mountains

17,000 acres at Mt. Moriah

287,000 acres along the East slope
of the Sierra Nevadas

192,000 acres in the Spring Mountain Range,
enlarged up to 254,000 if Lovell
Canyon and Mt. Potosi are included.

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The attached map should be made a part of this record and included in my testimony.

Each of the parcels abuts either the Toivabe or the Humboldt National Forests and is of the same character and quality. They should be added to enhance the national forests and for ease of economy and management.

WIDESPREAD POPULAR SUPPORT

The importance of adding these lands to Nevada's national forests first surfaced at the three land exchange public hearings held in Nevada in June, 1985. Almost all testified that they were opposed to any national forest lands being transferred to the BLM, and many supported contiguous BLM public lands being transferred to the U.S. Forest Service. In Las Vegas for example, petitions with many signatures were submitted asking that all of the BLM holdings in the Spring Mountains be classified as national forest.

Thus, the concept behind the Enhancement Act was developed not by government officials but by citizens at the grassroots level. Furthermore, in a bipartisan show of unity, this bill was introduced and is co-sponsored by all four members of Nevada's Congressional Delegation. The four largest newspapers in Nevada, the Las Vegas Review-Journal, the Las Vegas Sun, the Reno Gazette-Journal and the Nevada Appeal, have endorsed the Enhancement Act editorially. It is clear that the vast majority of Nevadans would like to see their national forests grow.

INCREASED GOVERNMENT EFFICIENCY

The acreage to be transferred is comparatively small. The BLM administers 48.8 million acres in Nevada, comprising 69% of the state. The Forest Service, with 5.3 million acres, administers only 8%. Transferring a half million acres of BLM lands to the U.S. Forest Service is not a significant change in the administration of federal lands in Nevada. The four areas in the Act which would be added to the national forests all abutt existing national

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forest lands and are national forest in character. For this reason, giving them to the U.S. Forest Service to administer is more efficient and, in the long run, will save the taxpayer money. It makes economic sense for these areas to be managed by one agency instead of two.

BENEFITS TO NEVADA

The National Forests of Nevada Enhancement Act will provide our state with tangible economic and environmental benefits:

1. The natural resources on the transferred lands will benefit from the Forest Service's better funding and professional expertise. Quality resource management is in everyone's best interest.

2. Nevada's largest industry, tourism, gains from having more green on the map of Nevada. National Forests attract visitors and enhance a state's image.

3. The Forest Service has a greater number of revenue sharing programs with state and county agencies than the BLM. Local governments in Nevada will benefit financially with additional national forest acreage.

THE IMPORTANCE OF THE SPRING MOUNTAIN ADDITIONS

The majority of Nevadans live in the Las Vegas area, which is one of the fastest growing metropolitan areas in the nation. Located in underground aquifers, twenty-five percent of the city's water originates in the Spring Mountains. At present, only the Mt. Charleston portion of the range is national forest. It is important that the entire watershed be managed by one agency and that agency be the U.S. Forest Service with its long history of quality watershed management.

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The Spring Mountains are valuable as an outdoor recreation area. It is the only area within a reasonable distance of Las Vegas which provides forests, streams, snow, skiing and an escape from summer heat. The U.S. Forest Service is the nation's leading outdoor recreation agency, providing more campgrounds, trails and public areas than any other government entity in the county. The Forest Service is the logical agency to develop the Spring Mountains into their full recreational potential.

Recently, many citizens in Las Vegas have said that all of the Spring Mountains, not just the northern portion, should be added to the national forest. The Task Force supports their proposal that Lovell Canyon and Mt. Potosi in the southern Spring Mountains be added as well. It is not efficient and goes against the objectives of this bill to continue to have two agencies managing the same mountain range. We have enclosed a map that shows our recommended boundary for the Spring Mountains.

AGENCY AGREEMENT

On January 22, 1986, the three chairmen of our National Forests Task Force, Sue Wagner, Fred Gibson, and myself, met with all of the Nevada Congressional Delegation and with the Chief of the Forest Service, together with staff, and the Assistant Director of the BLM, together with staff, as well as a representative of Nevada's governor and others. The purpose of the meeting was to reach consensus on that part of the general interchange bill as it would affect Nevada.

That group reached consensus, without objection, on the present content of S2698, qualified only by the observation that the Spring Mountains acreage was not identified to include the Lovell Canyon and the Mt. Potosi areas at that time.

As it became increasingly apparent that the general interchange bill had little support and would not be approved by the Congress during this Session, we in Nevada and our Congressional Delegation agreed that the content of the general interchange bill, as it would apply to Nevada,

Senator Wallop
September 19, 1986
Page 5

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should be introduced separately and processed by the Congress. Accordingly, S2698 was introduced by Senator Laxalt and Senator Hecht in the United States Senate.

Because of this background and the foregoing reasons, I have come from Nevada to present this testimony to you today. Thank you for hearing me.

Sincerely,

Thomas R. C. Wilson, Co-Chairman
National Forest Task Force
Of Nevada
Nevada State Senator

Senator HECHT. You are right to the point, an agreement was reached and you and Sue Wagner worked long and hard on this.

Senator WILSON. And Fred Gibbons.

Senator HECHT. Far more than the Congressional delegation. It was on the basis of your work that we introduced it. We will have to pursue this with the appropriate people. I hope we have time in this session.

Senator WILSON. I do, too, It is an important bill to a lot of people.

Senator HECHT. As to when we are going to adjourn, no one knows. Any type of rumor you want to hear, you can believe.

Thank you very much.

Ms. Jean Perry-Jones.

STATEMENT OF JEAN PERRY-JONES, SECRETARY, EVERGREEN ALLIANCE

Ms. PERRY-JONES. Thank you, Mr. Chairman.

I am from Mount Charleston.

Senator HECHT. One of the most beautiful spots in America. Las Vegas is one of the few places in America where in the morning you can ski and in the afternoon you can swim.

Ms. PERRY-JONES. Mr. Chairman, I am here today to testify in favor of the National Forest of Nevada Enhancement Act, S. 2698 and H.R. 5277.

I am here as a representative of hundreds of Nevadans who could not be here today, Nevadans who have signed petitions, written letters, testified at hearings held in Nevada, and reached into their pockets to finance my trip here today to testify in their behalf. I have a number of letters to submit for the record.

Senator HECHT. They will be part of the record.

Ms. PERRY-JONES. People in Nevada support the Enhancement Act. I represent residents of Clark County, including those in Las Vegas and those living in the Spring Mountain Range. I am also representing the Evergreen Alliance, a grassroots organization formed almost two years ago when Nevada was faced with the proposed interchange and the prospect of losing all of the U.S. Forest Service lands. We support the Enhancement Act.

I am also a member of the Mount Charleston Advisory Board which passed a resolution supporting the Enhancement Act.

The Federal Government owns 87 percent of Nevada. Of that, the Bureau of Land Management controls 68 percent and the U.S. Forest Service manages eight percent. Nevadans would like to see the proposed .5 million acres of the 48.8 million acres currently managed by the BLM transferred to the U.S. Forest Service management.

The Enhancement Act will enlarge Nevada's existing forest acreage by adding east portions of the Sierra and Ruby Mountains, Mt. Morian, and the Spring Mountain Range. Nevadans, and especially those of us in Southern Nevada, feel strongly that the entire Spring Mountain Range should be included in this act, adding Lovell Canyon, Red Rock Canyon, and the dominant peak of Mount Potosi to the acreage you are considering. I have submitted a map indicating areas to be included.

Southern Nevada's Las Vegas metropolitan area is one of the fastest growing areas in the United States. Its warm desert climate is attractive to tourists and residents. The Spring Mountain Range is less than an hour's drive from the city, and is the only place of its kind in Southern Nevada where people may go to escape the heat, picnic and camp in pine forests, play in the snow, hike by alpine creeks and climb the rocky peaks.

The range is an important watershed for the Las Vegas valley, providing more than 25 percent of its water. We need the U.S. Forest Service's watershed management expertise to assure our precious water resource for future generations.

We need to save the American taxpayers' money by having only one agency manage the Spring Mountain Range.

By increasing Forest Service lands and putting more green on the maps, Nevada can increase it tourism industry. Nevada's great need for economic diversification will be realized more fully as more dollars flow to Nevada from visitors who learn that Nevada is much more than a desert wasteland.

Mining rights will not be affected, as the BLM continues to manage all subsurface resources on Forest Service lands in the United States.

Nevadans want more U.S. Forest Service lands put aside as an investment for future generations. Whereas the BLM's district offices may dispose of public lands as they see fit, USFS-designated lands remain intact unless altered by Congress.

We in Nevada trust you, our nation's leaders, as custodians of our national heritage, to bank savings of resources for generations of Americans yet to come. It is for these reasons we Americans who live in Nevada also feel that all the forest lands in the U.S. should be preserved as U.S. Forest Service lands for all Americans to enjoy.

These prime lands must stay in the public hands throughout the U.S. We are assured that only under U.S. Forest Service management. Transferring any of those lands to BLM allows that agency to dispose of those lands at their district office's option.

I urge you to unanimously pass the enlarged National Forest of Nevada Enhancement Act as expediently as possible and to encourage its timely passage through both legislative bodies before the October session ends. Thousands of Nevadans are counting on you.

Thank you.

[The statement, map, and letters follow:]

Jean Perry-Jones, 30 Aspen, Mt. Charleston, Nevada

I am here today to testify in favor of the National Forest of Nevada Enhancement Act, S2698 and HR5277.

I am here as a representative of hundreds of Nevadans who could not be here today, Nevadans who have signed petitions, written letters, testified at hearings held in Nevada, and reached into their pockets to finance my trip here today to testify in their behalf. People in Nevada support the Enhancement Act.

I represent residents of Clark County, including those in Las Vegas and those living in the Spring Mountain Range. I am also representing the Evergreen Alliance, a grassroots organization formed almost two years ago when Nevada was faced with the proposed interchange and the prospect of losing all of the US Forest Service lands. We support the Enhancement Act.

The Federal government owns 87% of Nevada. Of that, the Bureau of Land Management controls 68% and the US Forest Service manages 8%. Nevadans would like to see the proposed .5 million acres of the 48.8 million acres currently managed by the BLM transferred to the US Forest Service management.

The Enhancement Act will enlarge Nevada's existing forest acreage by adding east portions of the Sierra and Ruby Mountains, Mt. Moriah, and the Spring Mountain Range. Nevadans, and especially those of us in Southern Nevada, feel strongly that the entire Spring Mountain Range should be included in this act, adding Lovell Canyon, Red Rock Canyon, and the dominant peak of Mt. Potosi to the acreage you are considering. I have submitted maps indicating areas to be included.

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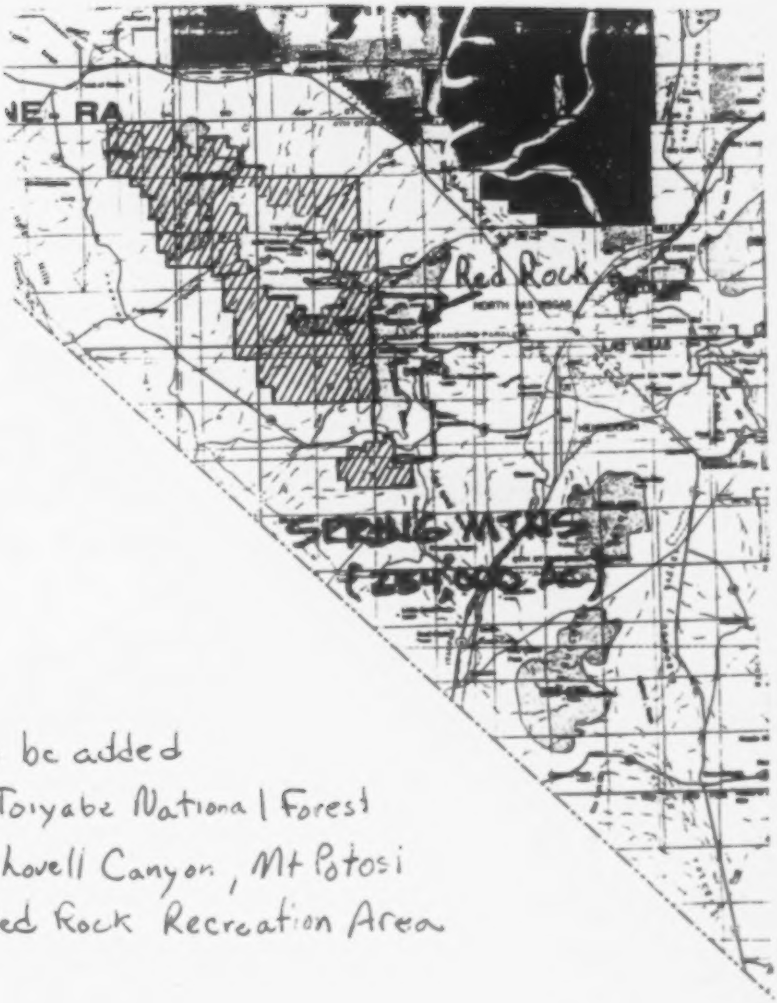
We need to save the American taxpayers money by having only one agency manage the Spring Mountain Range.

By increasing Forest Service lands and putting more green on the maps, Nevada can increase its tourism industry. Nevada's great need for economic diversification will be realized more fully as more dollars flow to Nevada from visitors who learn that Nevada is much more than a desert wasteland.

Mining rights will not be affected, as the BLM continues to manage all subsurface resources on Forest Service lands in the United States.

Nevadans want more US Forest Service lands put aside as an investment for future generations. Whereas the BLM's district offices may dispose of public lands as they see fit, USFS designated lands remain intact unless altered by Congress. We in Nevada trust you, our nation's leaders, as custodians of our national heritage, to bank savings of resources for generations of Americans yet to come.

I urge you to unanimously pass the enlarged National Forest of Nevada Enhancement Act as expediently as possible, and to encourage its timely passage through both legislative bodies before the October session ends. Thousands of Nevadans are counting on you.


NE. RA
Red Rock
NORTH LAS VEGAS
LAS VEGAS
SPRING MTNS
(234,000 Ac)

Lands to be added
to The Toiyabe National Forest
Showing Lovell Canyon, Mt Potosi
and Red Rock Recreation Area

Box 538
Indian Springs,
Nevada 89018
September 17, 1986

Members
Senate Subcommittee on
Energy and Natural Resources

Dear Sirs:

I am writing to request your support for Bills S2698 and HR5277. These additions to Nevada's National Forests are important at several levels. For me personally, and for my family and friends, the protection of these lands means that present and future generations will have places to retreat to from urban bustle and noise. As an educator, I can show my students the wonders of the natural world — a most valued first-hand experience.

For Nevada, these lands are an important boost to a very important tourist industry. For our Nation, and World, it is vital that we protect natural areas from destruction through over-use. We cannot now fully appreciate the needs of the future, but if we use and exploit everything now, the future will be bankrupt before it ever arrives.

I request this letter be entered as testimony in favor of S2698 and H.R.5277.

Yours Truly,

Ann B. Brauer

Dear Committee members -

This letter is regarding our support for National Forest Enhancement Act bill #S2698 + HR5277 including the entire Spring Mt. ranges, Mt. Potosi, Red Rock Canyon, Mt. Charleston, & Lovell Canyon.

We have lived in the Southern Nevada area for 17 years and at Mt. Charleston for 13 years. During these years we have enjoyed hiking in these areas and would like to see these areas maintained by the U.S. Forest Service.

Sincerly,
Mr & Mrs J. P. Inglis

Committee Members:

I support the passage of the National Forest of Nevada Enhancement Act known as:

S 2698
HR 5277

Please include any appropriate acreage in Red Rock Canyon, Lovell Canyon and Mt Potosi.

Thank you for making Nevada a more beautiful and better protected state where all citizens can enjoy the "great outdoors".

Respectfully,
Thomas F Jones
TOM JONES
Box 260 SR38 MT CHARLESTON Nevada 89124

Ralph and Elizabeth Hamilton
10 Arlberg Way
Mt. Charleston, Nevada 89124
(702) 871-5471

September 16, 1986

TO: Committee Members
Senate Subcommittee on Public Lands

RE: Bills numbered S 2698 and HR 5277
"The National Forests of Nevada Enhancement Act"

We'd like to take this opportunity to urge your support for the addition of 565,000 acres of BLM lands to the Toiyabe and Humboldt National Forests within the State of Nevada.

We have lived within a small portion of the Toiyabe National Forest on Mt. Charleston for almost 20 years. Not only have we personally benefited from this "island" of mountains and forest surrounded by the Mojave Desert at the edge of the Great Basin, but we have seen visitors from all over the country discover Mt. Charleston in increasing numbers over these past 20 years. Today, almost two million visitors a year ascend to this tiny National Forest area from the Las Vegas valley below. It's a place where we can take a breath of new life, renew our human inspiration, and find some peace -- at least for a little while. We've seen their expressions of delight after hiking on trails at 8,000 to 11,000 feet elevation, discovering species of plants and animals that are found no where else in the world, touching the bark of a Bristlecone Pine that is alive -- since the days of Jesus.

By reason of proximity, residents of Nevada are no strangers to our Nation's military build up, and some are personally aware of the cost it extracts, even above and beyond an increasing portion of our tax dollar. But our Nation's natural resource extracts no cost; rather, it gives abundantly. And, although a gift of great value, is free to us all.

565,000 acres is not very much. But as minimal as it is, you have the opportunity to demonstrate Wisdom by caring for this treasure, and preserving a living heritage that must not be compromised for future generations by a consuming and encroaching world.

Sincerely,

Ralph & Elizabeth Hamilton

Ralph & Elizabeth Hamilton

To the Committee:

I favor the National Forestry of NV. Enhancement act #S26 98 HR. 5277

These need to be part of the above.

Mt. Poteci, Lovell Canyon & Red Rock

Lancelot Davis

861 Lady Marlene Ave
Las Vegas, NV. 89119

Committee Members,

I'm WRITING IN SUPPORT OF THE NATIONAL FOREST OF NEVADA Enhancement ACT S 2698 HR 5277

I would like to SEE MT Potosi, RED Rock Canyon, AND LOVELL Canyon included with the Entire Spring MT. Range. Im Am a native of CLARK County born IN Henderson in 1954 AS A Boy Scout I Hiked And Camped ALL OVER THE SPRING MT Range. IN the Early '70's I BE Came A FULL Time Resident And Home owner on mt CHARLESTON I LOVE this AREA ALOT, AND would Like to SEE the ABOVE MENTIONED Lands matained By the FOREST SERIVICE.

Thank You

ROBERT C. GILGER
1128 YELLOW PINE AVE
MT CHARLESTON, NEV
89124

To the Committee Members;

I am a resident of Mt Charleston, and have lived on the mountain for 5½ years. Our family enjoys hiking very much, we hike in such areas as: entire Spring Mt Range, Mt Poto's, Red Rock Canyon and Lovell Canyon. My family and friends support the National Forest of Nevada Enhancement Act S2698 HR 5277. We would also like these areas (Spring Mt Range, Mt Potos + Lovell Canyon, Red Rock Canyon) Maintained by Forest Service, I hope you will honor my request, Thank You

Mrs Arlene M Tobola
and
family

9/17/86

Re Nevada Enhancement Act

Dear Committee Members.

We support the National Forest of Nevada Enhancement Act, S2698 and HR5277. We also want the entire Spring Mountain Range including Mt. Potosi, Red Rock Canyon, and Lovell Canyon. We have lived in Southern Nevada for 28 years and the Mt Charleston area for 9 and Cherish the beauty. This is why we feel strongly that the Forest Service has the up most ability to maintain these areas. We hope you will share our concerns by passing this important bill.

Thank you,
Mrs Aimee J Williams
& Family

September 17, 1986

Dear committee members,

I would like you to know that our family strongly supports the National Forest of Nevada Enhancement Act, S2698 and HR 5277. In addition to the appropriated land mentioned in the act, we would like Mt Potosi, Red Rock Canyon, and Lovell Canyon added.

The other concern, is a need to increase the budget for the U.S. Forest Service. At this time, the Las Vegas Ranger District is maintaining a skeleton crew with no new projects possible because of the lack of monies.

We love our mountains and would like them maintained by the very capable U.S. Forest Service. We would also like them to have more money allocated to increase the ability to better meet the publics needs.

Sincerely

Robert & Elizabeth Hahn

HCR 38 Box 553

Las Vegas, NV 89124

Dear Committe members,

This letter is requarding our support for National Forest Enhancement Act bill # 52698 + HR 5277, including the entire Spring Mountian Ranges, Mt. Potosi, Red Rock Canyon, Mt. Charleston + Lovell Canyon.

We have lived in the Southern Nevada Area for [redacted] 10 years and at Mt. Charleston area for 3 years + like the area as the way it is! he other concsean is the Forest Service budget for future years. The do a good job with what they have but so much more is needed.

Thank you for you time,

Ruth K. Lavin

September 17, 1986

The Honorable Senator Malcolm Wallop
Chairman, Subcommittee on Public Lands

Dear Senator Wallop:

Please accept this letter as my support of the National Forests of Nevada Enhancement Act, Senate Bill S2698.

I have had much experience working with the Forest Service management of the Toiyabe National Forest, and feel they have the expertise to handle additional lands efficiently and economically.

I urge you to give this bill your fullest attention for the good of Nevada and all people of the United States.

Thank you for your attention and efforts.

Sincerely,

Garold Whisler

Garold A. Whisler, Jr.
59 Tyrol Way
Mt. Charleston, Nevada 89124

45 Alpine Way
Mt. Charleston, NV 89124
Sept. 16, 1986

TO: Committee Members
Senate Subcommittee on Public Lands

RE: Bills numbered S 2698 and HR 5277
"National Forests of Nevada Enhancement Act"

We urge you to support the "National Forests of Nevada Enhancement Act", which will add 565,000 acres of Bureau of Land Management's public lands to Nevada's Toiyabe and Humboldt National Forests.

Enactment of this legislation will benefit all Nevadans economically and environmentally.

The Forest Service's larger budgets and professional, nonpartisan, multiple use management will improve the condition of the natural resources on these lands.

The lands adjacent to existing National Forests are part of the same watersheds and mountain ranges. Putting them under the management of one agency instead of two will be more efficient and cost effective.

Also, the additional green on the map of Nevada will improve the state's image and help show the rest of the nation that Nevada is not a desert wasteland.

Again, thank you for considering support of this very important legislation.

Sincerely,

Ray and Anne Escobedo

Ray and Anne Escobedo

POB 286
Indian Springs, NV 89018
17 September 1986

Honorable Senators, Members of the
Senate Subcommittee on Energy and Natural
Resources

Dear Senators,

I request that this letter be entered as testimony in favor of bills S2698 and HR5277.

The addition of these federally owned lands in Nevada to the Humboldt and Toiyabe National Forests would help the Nevada through the improvement of Nevada's image by increasing National forests, increasing recreation opportunities, increasing professional management of watershed and range, and increasing wildlife habitat. This is important to me as a long term resident of Nevada, enjoying its outdoor activities, to the future needs of Nevada and the nation, and to the balanced economy of this region.

Please give these bills the support that the citizens of Nevada overwhelmingly have, make them the law of the land.

Sincerely,

Jim Harrison

September 17, 1986

The Honorable Senator Malcolm Wallop
Chairman, Subcommittee on Public Lands

Dear Senator Wallop:

This letter is to re-emphasize my support of the National Forests of Nevada Enhancement Act, Senate Bill S2698.

Living in the midst of a National Forest has given me the experience of seeing firsthand the fine management of the Forest Service. Also, it seems to me that management would be more efficient with just one agency in charge.

The State of Nevada needs more green on the map to show that it isn't just a desert wasteland.

We are depending on your committee to give this bill a just hearing.

Thank you for your efforts.

Sincerely,

V. Lucille Whisler

(Mrs.) V. Lucille Whisler
59 Tyrol Way
Mt. Charleston, Nevada 89124

1116 Stevens Street
Las Vegas, NV 89110
15 September 1986

To the Honorable Senators, Members of the
Senate Subcommittee on Energy and Natural
Resources

Dear Senator,

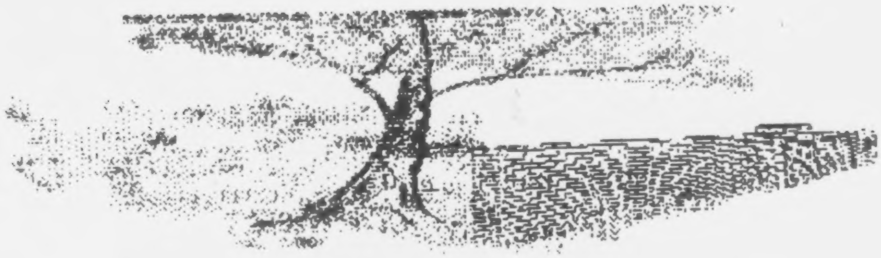
I request that this letter be entered as testimony in support of bills S2698 and HR5277.

The addition of these federally owned lands in Nevada to the Humboldt and Toiyabe National Forests would help the economy of Nevada through the improvement of Nevada's image by increasing designated forests, increased recreation, increased professional management of watershed and range, and increased wildlife. This is important to me and my family as long term residents of Nevada, enjoying its outdoor activities, and to the tourist economy of Nevada.

Please give these bills the support that the citizens of Nevada overwhelmingly have, make them the law of the land.

Sincerely,

Edward Carroll



Giving Tree Ranch
Post Office Box 268
Indian Springs, Nevada 89018
(702) 879 - 3376

16 September 1986

To the Honorable Senator,
Member of the Senate Subcommittee
on Energy and Natural Resources

Greetings;

On behalf of the citizens of the United States, the citizens of Nevada, my family, and myself I ask your **support** for bills S2698 and **HR**5277 to add certain federally owned public lands in Nevada to the Toiyabe and Humboldt National Forests and request that this letter be entered as testimony in support of the same.

As a **farming family** we feel that the transfer would increase the much needed watershed and rangeland protection of our fragile and arid land. As a **camping family** we feel that outdoor recreation and wildlife will be enhanced through such a "*transfer*". As a **Nevada family**, we feel that tourism will be enhanced by the addition of more green to the state map. Too often Nevada is treated as a "*waste land*" in every sense of the term. We ask for your support in these matters.

Very Truly Yours,

James Brauer & Family

James Brauer Family

To the Committee:
I favor the National Forestry of NV.
Enhancement Act # S2698 HR. 5277

These need to be part of the above
Mt Poteer, Lowell Canyon and Red Rock

Steven Benton
4579 Bobbye Ave
Las Vegas, NV 89120

September 17, 1986

To: Committee Members

I support the National Forest of Nevada Enhancement Act. (Senate Bill S 2698 and House Bill HR 5277).

I also support transfer of all BLM lands in Spring Mtn. Range to U.S.F.S, including Mt. Potosi, Lovell Canyon and Red Rock Canyon.

Sincerely,

Mrs. Margaret Glasgow
187 Summit View Circle
Mt. Charleston, Nevada 89124

Senator **Hecht**. Thank you. All the people who donated to bring you here could not have picked a more eloquent proponent.

Ms. Gail Harris, Southern Nevada Vice Chairman, Friends of Nevada Wilderness.

STATEMENT OF GAIL HARRIS, SOUTHERN NEVADA VICE CHAIRMAN, FRIENDS OF NEVADA WILDERNESS

Ms. **Harris**. Thank you.

Actually, I am not speaking for the Friends of Nevada Wilderness, but for the Joint Study Committee on Environment which is jointly sponsored by the Chamber of Commerce, Greater Las Vegas Women's Council, area Soroptimist clubs, Frontier Girl Scout Council, Audubon Society, many of the environmental agencies and concerned citizens in the State or in the Las Vegas area.

I would like to thank you, Mr. Hecht, for inviting Nevadans to come and speak our piece to tell you how deeply concerned we are that the State of Nevada, owned as it is, 87 percent of it, by the Federal Government, will not be treated as tenants with only a slum lord to take care of it.

We have in Clark County 60 percent of the population of the State. As you can see, most of the area in the State and 60 percent of the population in Clark County where only seven percent of the land of Clark County is in private ownership concerns us greatly.

We have given, and willingly, enough land to the military for our national defense. We have very little land in private ownership on which to live and to work and we are hoping that this little area of Federal forest land can be expanded to the entire Spring Mountain Range so that we can have enough recreational area to accommodate the population.

Nevada is the fastest growing State in the union. According to the national census of the last year, 67 percent of growth. Las Vegas is the second fastest growing metropolitan statistical area in the nation. If we do not accommodate these people with some of the Federal land put into the recreational area, if that watershed is not protected, in a water-poor State, we may not have the basis to support that population.

In 1906 the people of Nevada petitioned the Congress to form these watersheds to protect our national forest. They were concerned with the range land, they were concerned with the watershed, with the wild life habitat. Congress gave national forest protection to these lands.

We are now petitioning that you enhance these Forest Service lands and the protection of them to accommodate in 1986 the increased population of the State.

This is a counter proposal to the land swap. We feel there are things in the land swap which cannot be left in it. It is a swap in name only. The Bureau of Land Management will still administer under their regulation the lands which are nominally taken into the Forest Service.

The funding, the personnel, this would remain the same, but the laws would be different for the Forest Service. They could still, under Bureau of Land Management regulation, sell off land that would be nominally Forest Service lands under several of the acts of the Bureau of Land Management.

For instance, for a dollar and a quarter an acre under the Desert Irrigation Act, they can obtain 360 acres. That is not the fair market value, as a real estate broker, let me tell you.

The whole reason that we are concerned with protecting the Forest Service land in Nevada is to protect the watershed, the recreational area, to enhance the quality of life that the people of Nevada need to counterbalance the militarization of the State of Nevada.

We are not arguing the need for the military. We are arguing the need for the people as well. There are really two Nevadas, as you know. You can stand and watch the sun light tinging snow on the mountain peaks, listen to the sound of the birds and your spirit is expanded.

I have also stood on the desert floor and watched the sunlight tinge the top of the ice cap on the mushroom cloud. I also heard the sound of fear being choked into people.

We need both Nevadas. We need the recreational land. It is not much that we ask for, but it is a great deal.

Thank you.

[The prepared statement of Ms. Harris follows:]

TESTIMONY OF GAIL HARRIS REPRESENTING THE JOINT STUDY COMMITTEE ON ENVIRONMENT IN RE S. 2698 NATIONAL FORESTS OF NEVADA ENHANCEMENT ACT OF 1986 SENATE SUB-COMMITTEE ON PUBLIC LANDS AND RESERVED WATERS

WASHINGTON, D.C., SEPTEMBER 19, 1986

My name is Gail Harris. I live in Las Vegas, Nevada and wish to speak in support of S. 2698. I am a lifelong resident of Nevada, raised in a family which cared deeply for Nevada's special qualities. I learned early to take good care of my personal rescurces, to keep them safe, help them to grow and in this way ensure these resources would take care of me. As an adult, I have made a strong commitment to strengthen the resources of my state and community, to guard against the loss of the outstanding quality of life Nevada has to offer.

I am a member of the Joint Study Committee on Environment, co-sponsored by the Women's Council of the Greater Las Vegas Chamber of Commerce, area Soroptimist clubs, Audubon Society. and Frontier Girl Scout Council. The Committee has reached the consensus that this bill is in the best interests of Nevada and wishes to register that support with the Sub-committee. My remarks will focus on Clark County and the southern portion of the Toiyabe National Forest.

By profession, I am a real estate broker handling commercial and investment properties in Las Vegas Valley. I know how rapidly our population is growing. I am keenly aware of the accelerated pace of development in Clark County, and the pressure it puts on the remaining undeveloped areas.

Clark County contains nearly 60% of the state's population and less than 14% of the state's total area. Only 7% of the land in Clark County is in private ownership. 93% of Clark County is controlled by the federal government and used primarily for national defense purposes. Clark County is taking care of the needs of our nation; I ask you now to address the needs of the people who live in Clark County.

According to the latest U.S. Census, Nevada is the fastest growing state in the nation. Between 1970 and 1980, Nevada grew 63.8% in population. Las Vegas is the second fastest growing metropolitan area in the United State, with an increase of 69.5% over the ten years 1970-1980. Clark County consistently outstrips all projections for population growth.

All of these people need places to live, work, and play. The Spring Mountain Range is one of the most popular outdoor recreation areas in southern Nevada. It offers a welcome change from the desert environment. The Spring Mountains offer springs, streams, forests, snow, wildlife, solitude. The forests are also important watershed lands for Las Vegas Valley, which still draws 25% of its water from a groundwater supply fed by the snows of the Spring Mountains.

We must provide maximum protection for these priceless resources, keep them safe from damage by inappropriate uses. We believe the U.S. Forest Service will be best able to safeguard this land and its wildlife from encroachment by developers. The Forest Service, which now manages only a small portion of the Spring Mountain Range, can provide the best protection for all of the forest.

We ask that this Sub-committee support the addition of Mt. Sterling, Mt. Potosi and Lovell Canyon to the Toiyabe National Forest, so that the forests of the entire Spring Mountain Range in Nevada are managed by the one agency. These valuable watershed and recreation lands will then be treated as a single unit, improving the quality of the resource and the outdoor recreation experience of the people who use it.

In 1906, the people of Nevada petitioned Congress to create a forest preserve to protect the watersheds, the grazing lands and wildlife habitat in a water-poor state. In 1986, in the face of the unprecedented growth in this area of the state, the citizens of Nevada are again petitioning the Congress to increase the forest preserves throughout the state. In southern Nevada, we ask you to place the entire Spring Mountain Range, from Mt. Sterling to Mt. Potosi, under Forest Service protection. We ask your support for S. 2698 to enhance the national forests in Nevada.

Senator HECHT. Thank you for your brilliant testimony.

I have no questions of any of you, but if you want to put anything else in the record, you have a week to do so. Anything you want to include, I will be happy to put into the record with your remarks.

Senator WILSON. Thank you, Mr. Chairman.

Senator HECHT. Thank you again for traveling so far to testify before us today.

Let us go on. The next panel from Indiana, Mr. George Bagnall, Mr. Vince Kowalczyk, Ms. Wanda Jones, Ms. Charlotte Read, Mr. David Dickson and Mr. Robert Farag.

Before we start, we have been sitting here an hour and a half. Let us take a three- or four-minute break and stretch. We will let the gentleman who has been working so diligently relax his fingers.

[Recess taken.]

Senator HECHT. Let us start with George Bagnall.

STATEMENT OF GEORGE BAGNALL, 2010 COMMITTEE

Mr. BAGNALL. Thank you, Mr. Chairman.

I live in the Indiana Dunes National Lakeshore Area. I am a member of the 2010 Committee and represent landholders with reservation of use in the Lakeshore area.

Prior to the passage of the 1966 legislation creating the Lakeshore, my wife and I attended a meeting put on by the Park Service staff from Philadelphia. They assured the homeowners present that an important consideration in this new park concept, the urban park, would be establishing an environment of cooperation with the homeowners whose lives and property would be directly affected by inclusion in a national park. We were told that we could live in our homes for the rest of our lives if we chose to do so. The right of noncondemnation would be part of the legislation passed.

The Indiana Dunes National Lakeshore was created with passage of Public Law 89-761, dated November 5, 1966. This legislation preserved the Dunes and established homeowners' rights that would encourage them to stay and be a part of this new urban park concept.

Homeowners were pleased with this legislation. It was exciting to be a part of something new, experimental and innovative.

In 1966 the Congress, the National Park Service and the homeowners living in what was to be the future park were in agreement.

In 1976 a noncontroversial park expansion bill was formulated and at the last minute, with no prior public notice, our exemption from condemnation was removed, Public Law 94-549, October 18, 1976, and reservations of use were reduced from 25 years to 20 years.

From 1976 to 1980 homeowners lobbied long and hard to have the exemption from condemnation restored. Homeowners were not given equal treatment under the Constitution.

The 96th Congress responded to some of the inequities of the 1976, Public Law 94-549, dated October 18, 1976, legislation by adding life estates, but only for those who had not sold. A 9-year extension was made available to those persons who had taken a 20-year term or less. A final termination date was established of September 30, 2010, for those homes in the park that had not been acquired by the Park Service.

This is my fifth trip to lobby on restoration of homeowners' rights. We are no longer asking for the restoration of the exemption from condemnation that was taken from us. We urge consideration by the Committee to include a uniform termination date of September 30 for all holders of reservations of use and occupancy in the Indiana National Lakeshore.

We are asking for equal treatment for all under the Constitution.

Thank you.

[The prepared statement of Mr. Bagnall follows; appendix C retained in subcommittee files:]

Statement of: George Bagnall, 2010 Committee

Concerning: S 2812 before the Subcommittee on Public Lands, Reserved Water and Resources Conservation of the U.S. Senate Energy and Natural Resources Committee.

Over the years many people have testified as to the physical beauty of the Indiana Dunes and the variety of its plant and animal life. Also important are the people that have made their homes in the Dunes, they were attracted by their desire to preserve what they saw and to live in harmony with nature.

Prior to passage of the 1966 legislation creating the Lakeshore, my wife and I, attended a meeting put on by the Park Service staff from Philadelphia. They assured the homeowners present that an important consideration in this new park concept, the urban park, would be establishing an environment of cooperation with the homeowners who's lives and property would be directly affected by inclusion in a National Park. We were told that we could live in our homes for the rest of our lives, if we chose to do so. The right of NON-condemnation would be part of the legislation passed.

The Indiana Dunes National Lakeshore was created with passage of Public Law 89-761 dated November 5, 1966. This legislation preserved the dunes and established homeowners rights that would encourage them to stay and be a part of this new urban park concept.

Homeowners were pleased with this legislation, it was exciting to be a part of something new, experimental and innovative.

In 1966, the Congress, the National Park Service and the homeowners living in what was to be the future park, were in agreement.

In 1976 a non-controversial park expansion bill was formulated and, at the last minute, with no prior public notice, our exemption from condemnation was removed. (PL 94-549 10/18/76). and Reservations of Use were reduced from 25 years to 20 years.

From 1976 to 1980 homeowners lobbied long and hard to have the exemption from condemnation restored. Homeowners were not given equal treatment under the Constitution.

The 96th Congress responded to some of the inequities of the 1976 (PL 94-549 dated 10/18/76) legislation by adding Life Estates, but only for those who had not sold. A 9 year extension was made available to those persons who had taken a 20 year term or less. A final termination date was established of September 30, 2010 for those homes in the Park that had not been acquired by the Park Service.

> "Most of the residents in the Beverly Shores area chose to live there because they appreciated the special beauty of the Indiana Dunes environment. This has resulted in strong community support in that area for inclusion within the Lakeshore. However, the changes in the terms of acquisition of residential property provided in the 1976 amendment have led to much confusion and controversy. We believe those changes were ill-advised and have created a situation in which both the Congress and the National Park Service have lost a great deal of credibility among local citizens. An examination of the record will clearly demonstrate that acquisition between 1967 and 1976 worked well. Acquisition from 1976 to date has not. The 20 year leaseback provided under the 1976 legislation is the shortest leaseback of any park in the System. This, combined with the 1976 reinstatement of the Secretary's authority to condemn improved property including homes, has been frustrating to homeowners in the existing park.
>
> The Council firmly believes that the creation of a unit of the National Park System in a metropolitan area calls for special sensitivity by both the Congress and the Park Service. The Indiana Dunes National Lakeshore will be there permanently. In that perspective, the time allowed homeowners to phase out their occupancy of residential dwellings will be inconsequential.
>
> - Statement of Ruth Osann, President, Save the Dunes Council, Inc., Beverly Shores, Ind., at Hearings before the Subcommittee on Parks [illegible], [illegible] Congress, August [illegible], [illegible].

[illegible] asking for the restoration of the exemption from condemnation that was taken from us.

We are asking that the 99th Congress set a uniform termination date of September 30, 2010 for all holders of Reservations of Use and Occupancy in the Indiana Dunes National Lakeshore.

We are asking for equal treatment for all under the constitution.

The members of the 2010 committee and other concerned citizens respectfully submit the following amendment to S2812:

"With respect to improved properties upon which a valid existing right of use and occupancy has been reserved, the secretary shall permit the term of such retained right to be extended for a fixed term not to extend beyond September 30, 2010, upon receipt of payment prior to September 30, 1989 from the holder of such retained right. The amount of such payment shall be equivalent to the amount discounted from the purchase price paid by the Secretary for the identical period of time under the terms of the original sale adjusted by a general index adopted by the Secretary reflecting overall value trends within Indiana Dunes National Lakeshore between the time of the original sale and the time of the retained right of extension offered by this subsection."

S-2812 FTR

We would like a moment of your time to correct any misunderstandings that may have arisen about the amendment we are sponsoring to Indiana Dunes National Lakeshore bill, S 2812, authored by Senator Quayle.

First, and most importantly, we are not opposed to the bill in its present form. It is not our intention to take a position on S 2812. Everyone on our committee, and we assume everyone who lives in the park, wants to see the park and its natural beauties developed further for the public's use.

However, we feel there is another aspect of the question of park development which has not been addressed in the bill, and which would provide a method of funding the purchase of additional land during a time when federal deficits mandate close scrutiny of all federal expenditures. We believe that a substantial portion of the estimated $4.3 million purchase price could be generated through the sale of extensions to existing lease holders in the park. We estimate that at least $2.5 million dollars could be raised in this fashion. (See Appendix A).

It is our feeling, and that of many non-leaseholders as well, that Representative Visclosky and Senator Quayle are ignoring this relatively painless source of revenue at a time when federal deficits make most new expenditures difficult.

Another misconception we feel it is important to dispute is the idea that the extensions would greatly hinder development of the park, driving up the cost of development and stifling plans already prepared to go.

This is simply not the case. The termination date for homes now in the park is by no means uniform.as few sectors or neighborhoods are slated to be demolished all at the same time. Under the current termination schedule (See Appendix B) leasebacks are scheduled to be torn down from 1987 to 2010. A house scheduled to be torn down in 1995 can be found next door to a house which has until 2010. The uniform 2010 date chosen by the Committee is not a random one. It was chosen because it is the last termination date which currently exists for leaseholders, with the exception of a few life estates.

The Committee has enclosed some representative tract maps to demonstrate this point. (See Appendix C) It should be clear from these randomly selected maps that it will be impossible for the park to begin overall development in most areas. Even if a house is torn down in 1995, what development benefit is that to the park until the house next to it can also be torn down? It is clear that development plans are already stifled by the leases which extend through 2010. The General Management Plan adopted in 1980 for the Indiana Dunes National Lakeshore states:

> The National Park Service is also concerned about the potential for conflicts between increasing numbers of visitors and reservation-of-use holders. To reduce this potential, the general management plan proposes to develop the new visitor facilities in phases (see section on costs and phasing). Development that will directly affect reservation-of-use properties will not be built until reservations-of-use expire ...
> (see Appendix D)

One area which Dale Enquist, Superintendent of the Lakeshore has told us is of particular importance to the park is the [illegible] adjacent to U.S. 12, the Dunes Highway. There the park wants to clear out the houses and make it into a "scenic" highway. We support the goal of a scenic highway, but question the feasibility of the plan in view of the fact that some of the houses along the route cannot be torn down until 2010. Other homes are far removed from the highway, invisible to those travelling on the road, providing no visual distraction along the highway.

Some will suggest that the land should be allowed to return to nature. But the park has had difficulty finding funds in the past to take down houses or foundations long after the leases expire. Some homes sit boarded up along U.S. 12 today, despite the park's interest in developing that land. (See Appendix E)

Some have wrongly suggested that this request is motivated by the greed of people looking to make money off of expensive homes. But many of the people living in leasebacks were there when the park bought their houses, and plan to be there as long as they are permitted to stay. There are very few life estates in the park, but there are quite a few lives invested in it. For the most part, the leasebacks are the homes of the leaseholders, not the vacation cottage or real estate investment.

It is important that this source of affordable housing remain intact as long as possible for an area beset by economic woes. It is also important to the growing tourism industry in this area that these types of homes are available for visitors to become acquainted with the benefits of the area.

Some will argue our amendment is merely a "delaying tactic." This is absolutely not the case. There is a strong feeling that under the current termination schedule communities are forced to die a slow, lingering death over a long period of time. It would be much easier for the residents of these communities, both those leaving and those remaining, if the communities would cease to exist all at once, and at that time become part of the park. A gradual transition is a painful and difficult process which forces residents to see their communities slowly die bit by bit. A final, common termination date would allow a complete definite transition from community to park, a transition which would be easier on both sides because everyone would be leaving at once.

Finally, we need to address the misconception that this is only a "Beverly Shores" issue. This is not the case. The leasebacks are scattered throughout the lakeshore area, and only one-third are located in Beverly Shores. The rest are primarily in Porter County, with 134 located in Westchester Township. Support for our proposal is strong from all areas in which leasebacks are located.

Beverly Shores is uniquely affected by the current termination schedule in that it has a devestating effect to the tax base of the town, as 12% is composed of leaseholders. Some homes are to be destroyed before 2010 while others are to remain intact but the town still has to provide city services such as snow removal and police protection at the same cost to the town but with a much lower tax base, as houses are torn down and the tax base destroyed.

Because of their concern over the loss of revenue faced by the town in the future, while the need for services continues, the Beverly Shores Town Board passed a resolution (Appendix F) asking that any bill passed include a rider which makes the year 2010 the uniform termination date for all leaseholders, thus keeping the tax base intact until all leaseholds cease and the park enters the land. Projections of a loss of revenue of $205,000 over this period of time are calculated. (See Appendix G)

In conclusion, we feel that a final termination date of 2010 for everyone will provide a final, just, and equitable solution to the park problem. To date there has not been an equitable solution to this problem. Leaseholders and non-leaseholders alike strongly support our amendment. Many original leaseholders were strong proponents of the park when it was first conceived, and now feel that their treatment has been inequitable and unjust. (See Appendix H)

We would like to point out that a recent inequity has occurred which is patently unfair to the rest of us. It has been said by some that exceptions cannot be made. Apparently that rule does not apply to everyone. Very recently the Red Lantern Inn, located in Beverly Shores, was given an administrative extension by the Park Service until the year 2000. This action was not fair to the rest of the leaseholders, and is discriminatory in intent. We ask that we be given the opportunity for similar treatment.

APPENDIX A

September 11, 1986

Re: Proposed Senate
version of HR 4037

The 96th Congress passed Public Law 96-612 (12/28/80) giving the holders of Reservations of Use and Occupancy issued for 20 years or less an option to renew for 9 years.

205 Owners of Reservations of Use were elegible

135 Owners elected to take this option (66%)
(10% of those taking an extention elected to take less that the full 9 years).

TOTAL RECEIPTS WERE $787,820.00

math:	$787,820.00 divided by 135 owners	$5,835.00 average ea.
	5,835.00 " " 9 years	648.00 average yr.
	648.00 x 15 years	9,720.00 average ea.

Today (9/1/86) there are 392 owners of Reservations of Use

Assume that 66% would take the extension

259 owners based on a term of 9 years @ $5,835.		$1,511,265.00
259 " " " " 15 "	9,720.	2,517,480.00

Based on the above calculations and reasoning we are using an estimate amount of $2,000,000.00 as the potential revenue to the National Park Service should there be a uniform termination date of 2010 for all lease backs.

THE 2010 COMMITTEE

Gail Saum 219/874-3742
Laurie Tanis 219/872-1080
George Bagnall 219/874-4036

APPENDIX B

Revised: 08-18-86

LIST OF RESERVATIONS OF USE AND OCCUPANCY BY TERMINATION DATE

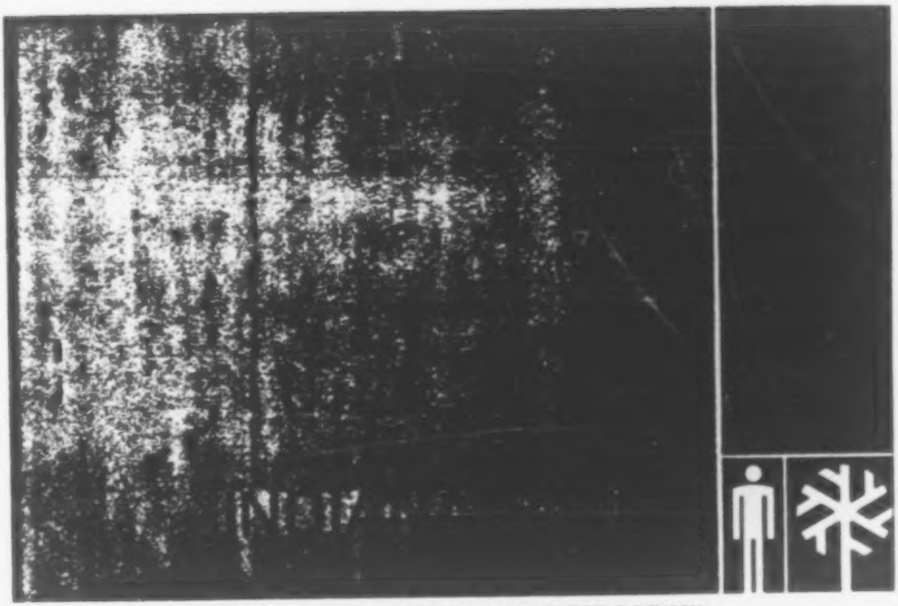
YEAR	NUMBER
Life Estates	3
Well Rights	2
1987	1
1988	6
1989	13
1990	11
1991	1
1992	2
1993	14
1994	42
1995	75
1996	38
1997	12
1998	26
1999	14
2000	15
2001	32
2002	5
2003	4
2004	5
2005	3
2006	9
2007	18
2008	6
2009	8
2010	27
TOTAL RESERVATIONS OF USE AND OCCUPANCY	392

(Includes 2 Special Use Permits & Red Lantern Inn)

APPENDIX D

general management plan

february 1980



INDIANA DUNES NATIONAL LAKESHORE / INDIANA

When sufficient data has been compiled, the relationship between visitor use and impacts on natural resources will be thoroughly analyzed.

Proposed Annual Capacities

Unit	Annual Carrying Capacity	Annual Facility Capacity (parking plus 10%)
East Unit	1,328,000	858,000
Tremont Unit	122,000	122,000
Bailly Unit	151,000	77,000
Cowles Unit	170,000	74,000
West Unit	605,000*	1,211,000*
Pinhook Bog Unit	15,000	15,000
Heron Rookery Unit	-	-
Total Parkwide Capacities	2,391,000	2,357,000

---

*Capacities for the West Unit do not reflect any facilities that may be proposed as a result of the programmed marina study. Facility capacity exceeds carrying capacity in the West Unit because of the proposed transit terminal. Visitors will be shuttled to other units of the national lakeshore from this point.

The National Park Service is also concerned about the potential for conflicts between increasing numbers of visitors and reservation-of-use holders. To reduce this potential, the general management plan proposes to develop the new visitor facilities in phases (see section on costs and phasing). Development that will directly affect reservation-of-use properties will not be built until reservations-of-use expire. This proposal is predicated on congressional authorization for the National Park Service to acquire the Beverly Shores island. Two bills which would add Beverly Shores to the lakeshore are currently being considered by the 96th Congress: S. 599 and H.R. 2742. The National Park Service endorses this action because it would allow optimum access to be developed for the largest area of federal beach in the national lakeshore and would help the Park Service to pursue a policy of allowing natural shoreline processes to proceed unhindered.

Greater numbers of visitors will be able to enjoy the national lakeshore with only a minimum of new development. The National Park Service will make use of existing buildings, development sites, and roads to provide additional facilities and improved access with relatively little impact on the natural environment. The intrusion of automobiles will be minimized by encouraging use of public

APPENDIX E

TERMINATION DATE OF LEASE	ADDRESS	LEASEHOLDER
2010	4438 W. Dunes Hwy.	Mr. William Stanley
1999	2704 W. Dunes Hwy.	Mr. Charles Struyf
1996	1101 W. Dunes Hwy.	Ms. Jessie B. Watkins
2010	717 W. Dunes Hwy.	Ms. Jeanette Segal
1998	702 W. Dunes Hwy.	Roger & Katherine Hess
1995	700 W. Dunes Hwy.	Ms. Mabel Devine
2001	40 E. Dunes Hwy.	Mr. Chester Jones
2000	74 E. Dunes Hwy.	Arthur & Kathryn Griswold
2001	94 E. Dunes Hwy.	David & Patricia McColpin
2002	118 E. Dunes Hwy.	Mr. Fred Benson
2001	126 E. Dunes Hwy.	Mr. Donald Deller
1996	128-1 E. Dunes Hwy.	Ms. Mary Whiteaker
1998	132 E. Dunes Hwy.	Mr. Robert Grant
1995	151 E. Dunes Hwy.	Alfred & Norma Kent
1995	282 E. Dunes Hwy.	Ogden & Emily Miller
1995	284 E. Dunes Hwy.	Mr. Ogden Miller
1995	288 E. Dunes Hwy.	Mr. Robert Marshall
1996	310 E. Dunes Hwy.	Charles & Bessie Kucera
Life Estate	328 E. Dunes Hwy.	Mr. Brown
2007	334 E. Dunes Hwy.	Mr. Dennis Clem
2007	346 E. Dunes Hwy.	David & Theresa Sconce

APPENDIX F

ERLY SHORES, Indiana 46301
BOARD OF TRUSTEES

August 22, 1986

Senator Dan Quayle
5530 Sohl Avenue, Room 103
Hammond, IN 46320

Dear Senator Quayle:

I am writing on behalf of the Board of Trustees of the Town of Beverly Shores, Indiana to provide you with a copy of the Town Board's Resolution supporting the extension of Reservation Of Use of the Indiana Dunes National Lakeshore.

The Resolution which was adopted by the Town Board at it's August 18, 1986 meeting also requests that Senators Quayle and Lugar include in any legislation they sponsor certain proposed language from the 1980 Indiana Dunes National Lakeshore legislation that would expand the term of occupancy for leaseback owners within the Indiana Dunes National Lakeshore.

The Town Board encourages your enthusiastic support of the above legislation and proposed language.

Very truly yours,

Joseph D. Jokantas

Joseph D. Jokantas, President
Board of Town Trustees

RESOLUTION SUPPORTING EXTENSION OF RESERVATION OF USE INDIANA DUNES NATIONAL LAKESHORE

BE IT RESOLVED by the Board of Trustees of the Town of Beverly Shores, Indiana:

That the Board of Trustees of the Town of Beverly Shores requests that Senators Quayle and Lugar include in any bill they sponsor, the following language regarding owners of reservations of use and occupancy a/k/a leasebacks located within the Indiana Dunes National Lakeshore.

> "With respect to improved properties acquired prior to the enactment of this subsection and upon which a valid existing right of use and occupancy has been reserved, the secretary may, in his discretion, extend the term of such retained right for a fixed term not to extend beyond September 30, 2010, upon receipt of payment prior to September 30, 1989 from the holder of such retained right. The amount of such payment shall be equivalent to the amount discounted from the purchase price paid by the Secretary for the identical period of time under the terms of the original sale adjusted by a general index adopted by the Secretary reflecting overall value trends within Indiana Dunes National Lakeshore between the time of the original sale and the time of the retained right of extension offered by this subsection."

ALL OF WHICH IS RESOLVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BEVERLY SHORES, INDIANA, THIS 18th DAY OF AUGUST, 1986.

BOARD OF TRUSTEES:

Joseph R. Johantes

Joseph R. Johantes

Vincent Kowalczyk

Vincent Kowalczyk

Mark Roser

Mark Roser

Ella Radys

Ella Radys

ATTEST:

APPENDIX G

Appendix D

LIST OF RESERVATIONS OF USE AND OCCUPANCY BY TERMINATION DATE
TOWN OF BEVERLY SHORES, INDIANA.

The following tax rates were used:
Beverly Shores Tax Rate $2.9855
State Adjustment .17865
Net Rate $2.45214

YEAR	NUMBER OF HOMES	ASSESSED Value	23 yrs	21 yrs	20 yrs	16 yrs	15 yrs	14 yrs	13 yrs	12 yrs	11 yrs	10 yrs	9 yrs	5 yrs	3 yrs	1 yrs	TOTAL per yr
1986	-	-															
1987	1	$2150.	-					-					-				
1988	-	-	53.														53
1989	3	9400.	53.														53
1990	4	12050. •	53.	232.													285
1991	-	-	53.	232.	315.												600
1992	-	-	53.	232.	315.												600
1993	-	-	53.	232.	315.												600
1994	17	153250.	53.	232.	315.												600
1995	38	196520. •	53.	232.	315.	3758.											4358
1996	23	113960. •	53.	232.	315.	3758.	4818.										9176
1997	2	3700. •	53.	232.	315.	3758.	4818.	2784.									11970
1998	1	7300.	53.	232.	315..	3758.	4818.	2794.	90.								12060
1999	1	2130.	53.	232	315.	3758.	4818.	2794.	90	179.							12239
2000 •	2	26900.	53..	232.	315.	3758.	4818.	2794.	90.	179.	52.						12291
2001	7	45040.	53.	232.	315.	3758.	4818.	2794.	90.	179.	52	661.					12952
2002	1	•	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104				14056
2003	-	-	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104.				14056
2004	1	•	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104.				14056
2005	2	5090.	53.	232.	315.	3758.	4818.	2794	90.	179.	52	661.	1104.				14056
2006	-	-	53.	232.	315.	3758.	4818.	2794.	90.	179.	52	661.	1104	124.			14180
2007	1	5960.	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104.	124.			14180
2008	-	3530.	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104	124.	146.		14326
2009	1	-	53.	232.	315.	3758.	4818.	2794.	90.	179.	52.	661.	1104	124.	146		14326
2010	9		53.	232.	315.	3758.	4818.	2794.	90.	179	52.	661.	1104	124.	146	86	14412
TOTALS	114		1219.	4872.	6300.	60128.	72270.	39116	1170	2148_	572	6610.	9936	620.	438	86	205485
Assessed Value	103	$587940. •															

The total assessed value of Beverly Shores is [redacted] and consistes of 1004 Parcels both vacant and improved.

• Does not include 1 commercial property with a recently renewed special lease for 14 years and has an assessed value of$93,100

• Includes 2 house destroyed by fire that will be rebuilt. Does not include 11 properties that the assessed value was not found.

The total amount of [redacted] is the projected tax loss to the Town of Beverly Shores over 24 years using rates shown.

APPENDIX H

Box 144
Beverly Shores, In. 46301
Sept. 15, 1986

To Whom It May Concern:

I am writing this on behalf of myself, Stephen Polyak, and my mother, Mrs. Donna Polyak, who are long-time residents of Beverly Shores (more than twenty-nine years) and leaseholders within the Indiana Dunes National Lakeshore. We fully and wholeheartedly support the aims and objectives of the 2010 Committee, and of its efforts to bring some equity to a situation which, as it presently stands, is most inequitable. We feel that a uniform cutoff date of 2010 would be, by far, the most equitable as well as the most practical solution for ourselves (the lease-holders), the Town of Beverly Shores, and the Federal Government itself.

From the first, when the Indiana Dunes National Lakeshore was only a proposal, we have been ardent and consistent supporters of the concept of a national park in this area, due to our love of its natural beauty and our desire to see this preserved for future generations. Indeed, it was in 1966 that we were primarily instrumental in saving the west end of Beverly Shores--the 55 acres located between the so-called "island" and the Indiana Dunes State Park--for inclusion within the National Lakeshore. At that time, the State of Indiana suddenly and surreptitiously announced plans to acquire this area of Beverly Shores for inclusion within its own state park--and to do so by a process of condemnation within a period of only six months. It was by our efforts, and especially my mother's, that this beautiful area was saved for inclusion within the National Lakeshore.

It was also during this same period (1966) that certain officials of the National Park Service held a meeting with several hundred of our townspeople in the Beverly Shores school auditorium, to announce plans for the park and to detail provisions for the so-called "lease-backs". It is hardly necessary to point out that these same officials felt it necessary to enlist the support of as many of the local townspeople as possible, and to that end, they presented the terms of the lease-back arrangement in an extremely favorable light. One term of the lease-back arrangement that was stated unequivocally by these officials was that there would be no real estate taxes paid on homes sold to the park, the theory being that the county cannot tax Federal property. Later on, in 1971, and 1972 (the date of sale of our own home to the park), the new lease-holders found that they were still receiving tax bills from the county, and that the current officials of the National Park Service (different from the ones who originally represented the tax situation to us several years earlier) would do nothing on our behalf. Not surprisingly, some lease-holders who had sold willingly and even enthusiastically to the park, felt and still feel that that tax situation had been misrepresented to them. Since we continue to receive tax bills from Porter County to this day, this is not just a matter of "past history". Please keep in mind that most lease-holders sold to the park at much less than the current fair market value--the compensating feature being the purported no-tax provision. In spite of this, we continue to pay taxes to the county, not at a lower rate than formerly, but equivalent to what we would pay if we owned our homes outright. At the very same time, we live under a deadline for having to vacate our homes, thus having the worst of both worlds: we have all the responsibilities of private home ownership, financially speaking, yet are not free to keep or sell our homes for an unlimited period of time. Clearly this is an unjust situation--one which we feel could be at least partially rectified by extending the cutoff date to the year 2010.

Permit me to bring this statement to a close with a comment about the personal situation of my mother and myself, a situation which is to us most distressing. We sold our home to the National Lakeshore in March of 1972, taking a 25-year lease-back. At that time my mother and I were both able-bodied and in reasonably good health, and indeed, entertained plans for moving to another part of the country. Since then, however, circumstances for both of us have changed drastically. In 1979, near the end of a four-year (and apparently successful) battle with cancer, I was injured in a hospital accident, the result of which is that I am severely handicapped in walking and standing. In September of 1985, my mother was severely injured in an automobile accident in which she received multiple fractures, and from which she has never fully recovered. Since we are now both physically handicapped, to move from our home--at this point or at any time in the foreseeable future--would cause us extreme hardship. We beg your consideration in this matter.

Respectfully yours,

Stephen Polyak

Stephen Polyak

Donna Polyak

Donna Polyak

Senator HECHT. Thank you very much.

Next is Mr. Kowalczyk.

STATEMENT OF VINCENT KOWALCZYK, VICE PRESIDENT, TOWN BOARD OF BEVERLY SHORES

Mr. KOWALCZYK. Thank you, Mr. Chairman.

My name is Vincent Kowalczyk. I am the Vice President of the town of Beverly Shores, Indiana. I am here as the representative of the Board of Directors of the Town of Beverly Shores, Indiana, to give testimony and to support the extension of Inholder Leases in the Indiana Dunes National Lakeshore until the year 2010.

The extended lease rights amendment would have the effect of maintaining our tax base in that portion of the town which constitutes the park. Ours is a problem of paying for the cost of maintaining services.

As our tax base is whittled each year, we are faced with maintaining services such as snow removal, road maintenance, fire and police protection equally throughout the town.

Our town lies along the shores of Lake Michigan from east to west for four and a half miles like a hot dog. The town is divided into two parts—the central 650 acres, the "island," was not included in the Lakeshore while the surrounding 1,800 acres were. There are about three-quarters of the town in the park and about a quarter is out of the park.

Now we are faced with the problem of servicing those individuals in the peripheries farthest away even though they may remain as the sole lease holders on a given road. For example, snow plowing for one remaining home of the former dozen homes on a road requires the same effort and cost.

Another aspect is the problem of vandalism and possible arson which is acute in those areas that do not have the neighborly surveillance available to them after the adjoining homes are pulled down.

How do we solve this problem?

The State and county do not have necessary funds available. Therefore, we must look to the Federal Government to ease our plight. As a taxpayer, this is distasteful to me personally.

How much simpler would it be to allow the Federal Government to collect well over $2 million in leases and then have the added plus of extending the existing tax base to ours and surrounding towns intact without disruption until the uniform cutoff date of 2010.

What that would do, of course, is allow this tax base to pour money back in. We are not talking about a lot of money coming back into the town by these lease-backs, possibly in the area of from $12,000 to $20,000 a year. But when we are dealing with a budget of under $300,000, $20,000 is an awful lot of money for these services.

If I may add, Mr. Chairman, I would like to mention that I felt a little concerned and I regret that in asking for this amendment at this time, it may prove an impediment to this bill which I personally support, but the last time we had an opportunity to address the lease-back and lease-received rights would have been back in 1980 which was six years ago.

Now, during this interim, in assuming that six years will go forward from this point, a lot of lease holders will fall off the roll. We will be losing the tax base little by little each year.

As I say, I regret that we have to ask for this addition at this eleventh hour which may prove an impediment, but it has to be done.

Thank you.

[The chart accompanying Mr. Kowalczyk statement follows:]

LIST OF RESERVATIONS OF USE AND OCCUPANCY BY TERMINATION DATE
TOWN OF BEVERLY SHORES, INDIANA.

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YEAR	NUMBER OF HOMES	ASSESSED Value	23 yrs	21 yrs	20 yrs	16 yrs	15 yrs	14 yrs	13 yrs	12 yrs	11 yrs	10 yrs	9 yrs	5 yrs	3 yrs	1 yrs	TOTAL per yr
1986	-	-															
1987	1	$2150.	-					-					-				53
1988	-	-	53.														53
1989	3	9480.	53.														285
1990	4	12850. •	53.	232.													600
1991	-	-	53.	232.	315.												600
1992	-	-	53.	232.	315.												600
1993	-	-	53.	232.	315.												600
1994	17	153250.	53.	232.	315.												4350
1995	38	196520. •	53.	232.	315.	3758.											9176
1996	23	113960. •	53.	232.	315.	3758.	4810.										11970
1997	2	3700. •	53.	232.	315.	3758.	4810.	2784.									12060
1998	1	7300.	53.	232.	315..	3758.	4810.	2794.	90.								12239
1999	1	2130.	53.	232	315.	3758.	4810.	2794.	90	179.							12291
2000 •	2	26900.	53..	232.	315.	3758.	4810.	2794.	90.	179.	52.						12952
2001	7	45040.	53.	232.	315.	3758.	4810.	2794.	90.	179.	52	661.					14056
2002	1	•	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104				14056
2003	-	-	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104.				14056
2004	1	•	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104.				14056
2005	2	5090.	53.	232.	315.	3758.	4810.	2794	90.	179.	52	661.	1104.				14056
2006	-	-	53.	232.	315.	3758.	4810.	2794.	90.	179.	52	661.	1104	124.			14180
2007	1	5960.	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104.	124.			14180
2008	-	3530.	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104	124.	146.		14326
2009	1	-	53.	232.	315.	3758.	4810.	2794.	90.	179.	52.	661.	1104	124.	146		14326
2010	9		53.	232.	315.	3758.	4810.	2794.	90.	179	52.	661.	1104	124.	146	86	14412
TOTALS	114		1219.	4872.	6300.	60120.	72270.	39116	1170	2148.	572	6610.	9936	620.	438	86	[redacted]

Assessed
Value 103 $587940. •

The total assessed value of Beverly Shores is [redacted] and consistes of 1004 Parcels both vacant and improved.

• Does not include 1 commercial property with a recently renewed special lease for 14 years and has an assessed value of$93,100

• Includes 2 house destroyed by fire that will be rebuilt. Does not include 11 properties that the assessed value was not found.

The total amount of [redacted] the projected tax loss to the Town of Beverly Shores over 24 years using rates shown.

Senator HECHT. Thank you very much.

Ms. Wanda Jones.

STATEMENT OF WANDA JONES, CHESTERTON, IN

Ms. JONES. Thank you.

My name is Wanda Jones and I am a leaseholder who lives within the Indiana Dunes National Lakeshore. However, I am here to testify not just as a leaseholder, but as a concerned taxpayer as well.

I wholeheartedly support the Lakeshore and am in favor of this bill. However, I urge you to amend the bill today by adding the amendment proposed by the 2010 Committee.

As a concerned taxpayer during a time when Federal deficits mandate close scrutiny of all Federal expenditures, I urge you to consider funding this bill as much as possible through the extension of existing lease-backs. A substantial portion of the $4.3 million purchase tag of the bill could be generated in this fashion, at least as much as $2.5 million. This relatively painless source of revenue cannot be ignored at a time when Federal deficits make most new expenditures difficult.

The revenue generated from lease-back extension sales is not the only positive aspect of the bill. Under the existing structure of termination dates, homes are scheduled for demolition between 1987 and 2010. There is no apparent plan or cohesive scheme of action which can rationalize why a house scheduled to be torn down in the 1990s is sitting next to a home that will remain until the current final termination date of 2010.

Of what real development benefit is this kind of situation to the park? The General Management Plan for the Indiana Dunes National Lakeshore, last published in 1980, states:

> The National Park Service is also concerned about the potential for conflicts between increasing numbers of visitors and reservation of use holders (lease-back owners). To reduce this potential, the General Management Plan proposed to develop the new visitor facilities in phases...Development that will directly affect reservation of use properties will not be built until reservations of use expire.

Houses demolished before actual development can take place are allowed to "revert back 'to nature. While this is obviously part of the overall concept or the scheme for the park, would it not be better to allow everything to revert back at once and permit the houses to be lived in and maintained until that time?

There is no substantial benefit in allowing a property to revert back now or ten years from now. The Lakeshore will be here in perpetuity. Ten years pales in significance to that thought.

I would like to add that there is some concern that by extending the leases, you will be depriving visitors to the park access to certain areas. They do not have access to these areas anyway until the year 2010. The Park Management Proposal in 1980 clearly states that development that will directly affect reservation of use properties will not be built until reservations of use expire.

The extensions will not be used for industrial purposes, but for simple dwelling places, with no impact on the environment.

The 392 families living in the park have invested their lives in this area. There is a real sense of community which exists in the areas in which the lease-backs are grouped. There is a strong feeling among leaseholders, myself included, that one of the most positive benefits of a uniform termination date in 2010 would be the fact that the communities would be maintained intact until the time the entire area is turned over to the park.

As it stands now, we are forced to see our communities die bit by bit, slowly. How much better it would be if the whole area went from being a community to a park all at once, instead of gradually. This concept of a complete transition is one which is strongly supported by those whose lives are most affected by the entire leaseback program, the leaseholders themselves and their families.

In conclusion, let me say that a final termination date of 2010 will provide a final, just and equitable solution to the problem. To date there has not been an equitable solution.

I, myself, strongly support the park and feel that the current haphazard plan of demolishing homes and allowing them to "revert back 'is not a cohesive management scheme, but rather a willy-nilly plan that emerged according to the dates the houses were originally acquired by the park.

How much better it would be to make a just and equitable resolution to this chaos and permit a termination date that permits the communities and leaseholders affected to leave their homes all at once, permitting the park to develop at that time.

The revenue generated from the sale of extensions could be used to acquire more property or to develop the park further when the plan is no longer stifled by existing lease-backs.

Thank you.

Senator HECHT. Thank you very much.

Ms. Charlotte Read.

STATEMENT OF CHARLOTTE J. READ, EXECUTIVE DIRECTOR, SAVE THE DUNES COUNCIL, BEVERLY SHORES, IN

Ms. READ. Thank you, Senator.

Since its founding in 1952, nearly 35 years ago, the Save the Dunes Council's mission has been and continues to be the preservation and protection of the Indiana Dunes for public use, education and enjoyment. A citizen volunteer organization, the Council spearheaded the grassroots effort to preserve the Indiana Dunes as part of our national park system.

Creation of the Indiana Dunes National Lakeshore in 1966 was the result of years of citizen efforts combined with the unstinting dedication of the late Senator Paul H. Douglas to the cause.

Enlargement of the Lakeshore in 1976 was the result of an additional decade of grassroots efforts to identify and evaluate unspoiled, but unprotected duneland areas.

In 1980 a small enlargement of the Lakeshore's boundaries was approved by Congress along with provisions to honor the efforts of Senator Douglas in championing the park.

This past Sunday, National Park Service Director, William Penn Mott, joined with Senator Dan Quayle and Congressman Peter Visclosky in dedicating a beautiful new environmental education center within the Gary area of the Lakeshore, named for Senator Douglas. The brochure, "Join Us At The Indiana Dunes," presents a more detailed overview of the Save the Dunes Council's efforts on behalf of the Indiana Dunes.

Passage of a Dunes expansion bill by the Congress this year, the 20th anniversary of the creation of the park, would be a fitting anniversary present to the Lakeshore and to the people from all over the United States who have enjoyed it in the past or who will enjoy it in the future.

The Council wants to thank the Subcommittee for scheduling a hearing on the Dunes expansion bill introduced by Senators Dan Quayle and Richard Lugar and on the House-passed expansion bill sponsored by Congressman Peter Visclosky.

We appreciate that time is running out and that your workload is heavy. Both S. 2812 and H.R. 4037 have been carefully crafted. The Council supports both bills.

The major differences between S. 2812 and H.R. 4037 include the number of acres, basically the amount of money for land acquisition and the amount of money for development.

H.R. 4037 includes for acquisition a mere 300 acres. The other areas included in the bill are enhanced management, enhanced cooperative arrangements, but are not intended for acquisition. The Lugar-Quayle bill adds 545 acres. Both bills are very modest.

The Council was instrumental in urging our Senators to include the Gary areas in the National Lakeshore because we recognize the high natural value. Because of the time contraints, if agreement between the Senators and the City of Gary cannot be reached at this time, we would regretfully and respectfully urge the Committee to consider again excluding the areas in Gary.

We support the studies. We support the land acquisition figures relevant to the actual acreage included in the bill. We certainly support the cooperative arrangement that this bill seeks to work out between local government and the National Lakeshore in cooperatively planning for recreational facilities in the park.

The 2010 issue was not addressed by the Council because it was not in either bill. Congressman Visclosky introduced the bill in January. There was a hearing in June and now at the eleventh hour, so to speak, a proposal which will have major impact on the development of the park surfaced.

I apologize in the sense it is not in my testimony, but I would like the opportunity to speak with concern on the opposition of the Council to this proposal. Let me tell you why.

Senator HECHT. Your entire statement will be part of the record. I thank you very much for summarizing.

Ms. READ. Could I make a remark about the 2010 proposal since it was not in the legislation, my statement did not address it?

Access to the park by park visitors is a serious concern. Yes, Congress put the present park together in three different legislative packages. Mr. Bagnall is correct, the original legislation did provide not for exemption from condemnation for homeowners, but suspension of that authority.

Congress saw fit in 1976 not only to remove the suspension which gave homeowners a third choice, which was not to sell, but reduced the lease-back terms for everyone who sold their house to the National Park between 1977 and 1981, reduced it to 20 years, again very, very unfortunate. The Council did not support that, but Congress thought otherwise.

In 1980, again we made a good faith effort to again restore the original homeowners' provision which would allow homeowners to sell and take a 25-year lease-back, sell and move or stay. I do not want to sell right now. Again, Congress chose not to go back to the 1966 homeowners' provision.

What they did instead, in the interest of fairness, was to provide for the first time for the option of life estate for the homeowners who sold from 1981 to the present time.

They also allowed reservation of use holders who had taken only 20 years to take an additional nine years in an extension proposal. All homes that were sold between 1981 and today, homeowners have the choice of a lease-back to the year 2010 or a life estate.

In terms of the impact on the park and on the local tax base of allowing 392 properties to go off at the same time, I think, despite the past argument which may or may not be valid, I would suggest to you that 400 properties leaving the tax base of a single country or the proportionate share of the local jurisdiction in that county all at the same time will have a devastating effect on the taxpayers.

I would also say that, in terms of the impact on the park, to suddenly have to deal with 392 vacant buildings at the same time argues against the way most parks are developed, which is the money comes gradually, the homeowners where they are involved leave gradually, and Congress generally appropriates money gradually.

Identicality in this case I do not believe is the equality. Unfortunately, in some areas, and I cannot speak to the three people arguing the other side here, the existence of a lease-back has been used as argument for "no development while I am here."

If the 392 or the proportionate share of people whose lease-backs do not go to 2010, which is a generation away, used that argument, you will be holding up development of part of the park over time by extending lease-backs and the impact will vary from the very heart of the park to part of the park.

I do not believe either the Council or proponents can speak rationally and honestly to the actual input. I understand why lease-back holders love to live in a park, a park is a wonderful place to live, lots of people would love to have that opportunity, I understand the desire.

I think from the standpoint of the park, it is contrary to the public's interest in the Indiana Dunes National Lakeshore.

Thank you.

[The prepared statement of Ms. Read follows:]

Save the Dunes Council

ORGANIZED IN 1952

P.O. BOX 114 • BEVERLY SHORES, INDIANA 46301 • TELEPHONE 219/879-3937 OR 926-2224

September 19, 1986

Mr. Malcolm Wallop, Chairman
Subcommittee on Public Lands, Reserved
  Water and Resource Conservation
Senate Committee on Energy and Natural Resources

Dear Members of the Subcommittee:

Since its founding in 1952, nearly 35 years ago, the Save the Dunes Council's mission has been, and continues to be the preservation and protection of the Indiana Dunes for public use, education, and enjoyment. A citizen volunteer organization, the Council spearheaded the grass roots effort to preserve the Indiana Dunes as part of our national park system.

BACKGROUND

Creation of the Indiana Dunes National Lakeshore in 1966 was the result of years of citizen efforts combined with the unstinting dedication of the late SEnator Paul H. Douglas to the cause. Enlargement of the Lakeshore in 1976 was the result of an additional decade of grass roots efforts to identify and evaluate unspoiled but unprotected duneland areas. In 1980 a small enlargement of the Lakeshore's boundaries was approved by Congress, along with provisions to honor the efforts of Senator Douglas in championing the park. This past Sunday, National Park Service Director William Penn Mott joined with Senator Dan Quayle and Congressman Peter Visclosky in dedicating a beautiful new environmental education center within the Gary area of the Lakeshore, named for Senator Douglas. The attached brochure, "Join Us at the Indiana Dunes," presents a more detailed overview of the Save the Dunes Council's efforts on behalf of the Indiana Dunes.

Passage of a dunes expansion bill by the Congress this year, the 20th anniversary of the creation of the park, would be a fitting anniversary present to the Lakeshore and to the people from all over the United States who have enjoyed it in the past or who will enjoy it in the future.

The Council wants to thank the Subcommittee for scheduling a hearing on the dunes expansion bill introduced by SEnators Dan Quayle and Richard Lugar and on the House-passed expansion bill sponsored by Congressman Peter Visclosky.

We appreciate that time is running out, and that your workload is heavy.

Both S. 2812 and H.R. 4037 have been carefully crafted. The Council supports both bills. The major differences between S. 2812 and H.R. 4037 are these: (1) S. 2812 includes three areas of high quality duneland located within the city of Gary that are not a part of H.R. 4037 as passed by the House; (2) S. 2812 increases the acreage in the Salt Creek Valley by approximately 30 acres, with the concurrence of landowner Bethlehem Steel Corporation, the mayor of the city (Portage) where the land is located, and the environmental community; and (3) S. 2812 authorizes $4.35 million for land acquisition and increases the development ceiling by $9-million, compared to H.R. 4037 which authorizes $3.807 million for land acquisition and increases the development ceiling by $14-million.

LAND AREAS COMPARED

Area	H.R. 4037	Fee Acquisition Area	S. 2812
II-F	133	II-F	163
II-G	37	II-G	37
II-H	40	II-H	40
II-I	6	II-I	6
II-J	46	II-J	46
II-K	26	II-K	26
III-F	12	III-F	12
		I-G	60
		II-H	134
		II-I	21
Total Fee Acquisition	300		545

	Inclusion without Acquisition		
Area	H.R. 4037	Area	S. 2812
II-I	267	II-I	267
IV-B	224	IV-B	224
VI-A	102	VI-A	102
Total Non-Fee	593		593
Total Overall Acreage	893		1138

LAND AREAS DESCRIBED

The three areas described briefly below are all within the city of Gary. Approximately 50% of the toal acreage is owned by the city school system, not the city itself. Originally included in H.R. 4037 as introduced by Congressman Peter Visclosky, the areas were removed from the final version of the bill because of the opposition of Gary Mayor Richard Hatcher. Senators Dan Quayle and Richard Lugar, at the urging of the Save the Dunes Council and other environmental groups, have included the three areas in S. 2812. These areas have great intrinsic natural value, all are contiguous to the Lakeshore's present boundaries, and none is along the city's lakefront. For the committee's information, the Lakeshore's present boundaries include less than one-mile of the Gary lakefront.

Area I-G. This 60-acre tract of vacant duneland has high natural significance, and is composed largely of oak dune savannah. It is entirely owned by the Gary school system. In its presently unprotected state, the area is threatened by unauthorized dumping and trail bikes and motorcycles. Because of its proximity to the new Paul H. Douglas Environmental Education Center, it has been dubbed "Douglas Woods."

Area I-H. Known as "Woodlake Dune and Savannah," this 134-acre tract of undeveloped dune and savannah is an outstanding natural area, deserving of preservation and protection of the highest order. Over 100 species of vascular plants have been identified, including several species on the state threatened species list. Composed of dry and dry-mesic sand savannah, mesic, wet-mesic, and wet sand prairie, most of the area is undisturbed. Barely a dozen houses are located on the area's fringes. An example of the diversity of the Indiana Dunes, it represents a microenvironment not presently found within the existing park. If left unprotected this area, too, will be threatened by offroad vehicle destruction and by unauthorized dumping. The center 80 acres are owned by the Gary school system.

Area I-I. This 21-acre tract is undeveloped land, largely open sand, with some low vegetation. In addition to its value as open space adjacent to the Long Lake wetland, it could offer much needed land for traffic safety improvements at the popular West Beach area of the Lakeshore.

The Council believes these areas should become a part of the Indiana Dunes National Lakeshore this year. However, should opposition by the mayor remain unresolved, we believe the committee must seriously consider their exclusion from S. 2812.

Area II-F. Building upon the three miles of the Little Calumet River already in the Lakeshore, this proposal would add approximately 1-1/2 miles of riverway for canoeing and bankside fishing. In addition, it includes approximately one mile along Salt Creek, from Interstate 94 to its junction with the Little Calumet. A very popular spot for bankside fishing, the Salt Creek addition would insure that this recreational use will continue to be available to the public. The acreage in S. 2812 is larger than that in H.R. 4037 through an agreement reached among the landowner (Bethlehem Steel Corporation), the city of Portage, and the environmental community.

Area II-G.--This 37-acre tract connects the river corridor already in the Lakeshore with U.S. Highway 12 and with the B&O Railroad right of way. Presently undeveloped, and probably undevelopable due to the configuration of the property.

Areas II-F and II-G are owned entirely by Bethlehem Steel Corporation, and are part of 1,000 acres of corporate-owned land it has for sale.

Area II-H.--This 46-acre parcel includes undeveloped portions on both the north and south sides of U.S. 12. The area is wooded, and the scenic south side of this parcel incorporates a geologic feature known as a terminal moraine.

Areas II-G and II-H would help to preserve the existing scenic character of U.S. 12.

ARea II-I.--This parcel combines acquisition of a 6-acre wooded triangle adjacent to the Cowles Bog wetland area with a no-cost addition of 9-1/2 miles of utility corridor totaling 267 acres. This addition to the Lakeshore boundaries would enable the National Lakeshore to cooperate with the State of Indiana and Northern Indiana Public Service Company in the management and improvement of this popular trail. Known as the "Calumet Trail," it attracts hikers, bikers, joggers.

Area II-J.--This small wooded parcel connects the land Congress intended for a campground, added to the Lakeshore in 1980, with the Lakeshore property to the west. Will facilitate trail connections for campers with the existing Visitor Center and adjacent trails and facilities. The area is approximately 46 acres.

Area II-K.--This 26-acre parcel includes an operating rifle range that now shares a common border with the existing park. Indiana law permits holders of federal permits for fully automatic weapons to use them at this facility. The targets rest up against the dune shared by the range and by the Lakeshore. The owner is willing to sell, according to my conversations with him, subject to receiving a price that will allow him to relocate his business in a more appropriate Porter County site. The present circumstances are a continuing threat to the Lakeshore. Unfortunately, county zoning permits this use and would allow for a subsequent private purchaser to continue the rifle range.

Area III-F.--Across U.S. 12 from the site of the Lakeshore's proposed East Unit Transit Center is a 12-acre parcel, containing a single house, which would give the park control over development and access to the Center. The present owner is attempting to fill the property with the intention of developing a campground. The area is marshy at its northern end, and is located in the town of Pines which presently is without either city water or city sewer.

Area IV-B.--Ten years ago, Congress added the Blue Heron Rookery to the National Lakeshore to preserve the habitat of these magnificent birds. In the ensuing years, much has been learned about the birds by the Lakeshore staff, including the impact on the rookery of a change in adjacent land use. In order to maintain the Rookery, 224 acres of agricultural lands are included in the boundaries of both H.R. 4037 and S. 2812. The Senate bill provides that the Park Service will acquire an interest in the privately owned lands to the north only if the present owners change from farming to another use. The land to the south is owned by the State of Indiana as part of farm lands owned by the

Department of Corrections.

Area VI-A.--The State of Indiana's Division of Nature Preserves, which owns and manages the Hoosier Prairie Unit of the National Lakeshore, has negotiated for a 102-acre addition to this National Natural Landmark. To make the Lakeshore boundaries consistent with the actual size of the Prairie, both H.R. 4037 and S. 2812 provide for this map change. No federal acquisition is intended or proposed.

LAND ACQUISITION

The heart of this or any other national park unit is its resource base. At Indiana Dunes this means the land, and nowhere is this more important than here, where visitation continues to grow without a comparable increase in the land available for public use. The ability to acquire land in a timely fashion also helps to keep the cost of acquisition down. The Council strongly supports the increase in the land acquisition ceiling, consistent with the areas actually authorized by Congress for addition, that will allow the Lakeshore to continue the purchase of lands within the existing boundaries and to allow for the purchase of lands authorized by the 1986 legislation. Although we understand that increasing the ceiling in an authorization bill does not automatically make funds available, the proposed increase in acquisition authority will facilitate the appropriations process when such funds are requested and are available.

STUDIES

Both H.R. 4037 as passed and S. 2812 as proposed provide for a study of U.S. 12, a two-lane highway contiguous to the Lakeshore in a number of places. It is in fact very scenic for much of its length through and near the park, and several proposed additions in the above-mentioned dunes bills would extend this scenic character. We strongly urge that the intent of the study be clarified to include all of U.S. 12 as it touches Lakeshore land in both the East and the West Units of the Lakeshore.

We also support the proposed study to investigate ways to connect the East and West Units of the Lakeshore for recreational hiking, biking, skiing, and canoeing.

COOPERATIVE AGREEMENTS

The Council supports the language in both bills that invites the Lakeshore and the units of state and local government to work cooperatively in the planning of recreational facilities in the vicinity of the Little Calumet River and the Portage/Burns Waterway. As Northwest Indiana's reliance on steel making for its economic underpinnings is lessening, interest in recreational development, tourism, and access to the national and state parks and to Lake Michigan itself is increasing rapidly. We believe that the cooperation these bills encourages offers the promise of attractive, compatible facilities that will enhance rather than degrade the Indiana Dunes area.

UNRESOLVED PROBLEMS

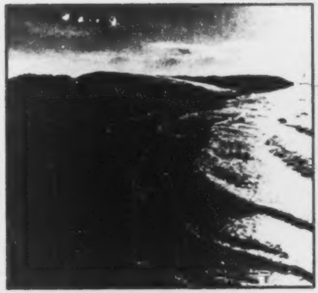
Although not directly the concern of this committee at this time, there are two areas authorized for inclusion in the National Lakeshore in 1976 that today -- 10 years later -- remain in private hands, contrary to the intent of the Congress in adding them to Lakeshore boundaries and in appropriating the money for purchase.

The largest is an 88-acre tract of land at the very western end of the Indiana Dunes National Lakeshore, in the Miller Woods area. It is owned by United States Steel--now identified as USS, a division of USX! The Council believes that the land should have been acquired long ago. Although specific language attached some conditions to solid waste deposits included within the 88 acres, the majority of the land area is natural and deserves to be acquired without further delay. At present, park visitors may enjoy this area only by looking at it through a chain-link fence.

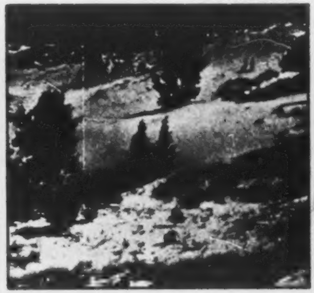
At the very eastern end of the Lakeshore is a 35-acre parcel known as Crescent Dune, adjacent to the popular Mount Baldy moving dune. Authorized with special conditions under a mandate to the Secretary that the land be purchased from its owner, Northern Indiana Public Service Company, only Council legal action has prevented the Secretary from agreeing to allow the company to retain it.

The Save the Dunes Council urges this subcommittee to report out a dunes bill favorably in the near future, so that passage by the Congress this year may be assured. If S. 2812 in its present form proves controversial, then we relucantly urge the Committee to drop out the land parcels causing controversy.

Submitted on behalf of
SAVE THE DUNES COUNCIL INC.
Charlotte J. Read
Charlotte J. Read
Executive Director


Mike Gibbs

Indiana Dunes National Lakeshore


Save the Dunes Council

Bob Daum

"Wild areas are the beneficent healers of the tensions created by city life." *Paul Douglas*

Enjoy the Wonders

Nestled among the steel mills and power plants of northern Indiana lies a natural paradise: The Indiana Dunes. Formed during the past 15,000 years by the action of glaciers, water, and wind, the sand dunes that make the area unique are still growing and moving.

Walking through the Indiana Dunes is like walking through a living time machine. From beach to grassy foredunes to stalwart cottonwood trees to towering pine, oak, and beech-maple forests, you can see how the communities of plants and animals have changed as the waters of an ancient glacial lake receded to form present-day Lake Michigan: The place where the forests now stand was once the bare beach of the ancient lake. The glacier also left behind a fascinating network of interdunal ponds, marshes, and bogs, now populated with an amazing variety of plants and animals.

The mysteries of plant colonization and succession on land were first unraveled here in the 1890s by the pioneering researches of Henry C. Cowles of the University of Chicago. Dr. Cowles's research marked the beginning of a new science, ecology. And research in the Dunes continues to contribute to our store of knowledge in ecology, botany, zoology, geology, and anthropology.

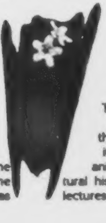
See the Arctic and the South In One Glance

Where can you go to see the plants of the arctic, the deep South, and the prairie growing near each other? The Indiana Dunes. Arctic jack pine and southern sassafras both live in the Dunes. Prairie flowers—fragrant woodbine and colorful blazing star among them—blossom nearby.

Other habitats abound. A fern and birch fairyland borders an almost impenetrable quaking bog, home of insect-eating plants. Deer, fox, and raccoon roam the Dunes. Great blue herons nest along woodland streams. More than 1,300 species of plants, 40 species of animals, and 100 species of birds have been found in the Dunes, a phenomenal variety for an area so small. And the Dunes are among the few remaining natural stopping places for more than 100 species of birds that migrate over the Midwest.

Experience the Pleasures

For the millions of people living in the Midwest, the Indiana Dunes provide year-round recreation and a chance to escape from the stress of the city to the tranquility of nature. You can swim in Lake Michigan's cool waters in summer, watch the migrating birds in fall, cross-country ski in winter, and hike, bike, or picnic anytime.



Talk with a Naturalist

To help you appreciate the wonders of the Dunes, both the Indiana Dunes National Lakeshore and the Indiana Dunes State Park provide special activities: naturalist-led hikes and talks about plant and animal succession, wild foods, geology, and the cultural history of the region; star-gazing sessions; guest lectures and films on the Dunes, their history, and environmental problems. Programs on maple sugaring, folklore, and crafts introduce visitors to the pioneer life of northern Indiana.

The Dunes Endangered

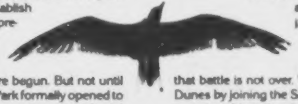
The Indiana Dunes are in constant danger. Steel mills and power plants, with their air and water pollution, threaten the fragile Dune ecology. Solid and hazardous wastes are being dumped on the periphery of the Dunes. And careless use and improper development may destroy the Dunes in the name of recreation.

Preserve the Dunes

Efforts to save the Dunes from encroaching industry date back to 1838, when plans to build a harbor in the Dunes were first proposed to the U.S. Congress. Since then, industry and nature-lovers have been vying for the Dunes.

In 1906, United States Steel built its Gary works in the Dunes. To protest further industrial development, 5,000 people rallied at the Dunes to support creation of a park there; and the first proposals to establish a Sand Dunes National Park were presented to Congress in 1916.

In 1919 after efforts to establish a national park were unsuccessful, efforts to establish a state park were begun. But not until 1926 was the Indiana Dunes State Park formally opened to the public. Meanwhile, industrial growth and residential development continued apace.



Save the Dunes

Alarmed by the threatened destruction of the remaining Dunes, concerned citizens founded the Save the Dunes Council in 1952. In 1953, the Council purchased part of the famous Cowles Tamarack Bog to protect it from development. The Council also hoped to raise funds to purchase the Dunes; however, this plan proved unrealistic.

When the state approved $2 million for a public port in the heart of the Dunes, the Council realized that the only way to protect the Dunes was to create a national park. The Council's long battle for the park began in 1958, when Council president Dorothy Buell convinced U.S. Senator Paul Douglas to introduce legislation to establish a national park in the Indiana Dunes. The Council collected nearly a quarter of a million signatures in support of this legislation.

Meanwhile, Bethlehem Steel, Midwest Steel, and the Northern Indiana Public Service Company continued bulldozing dunelands into industrial sites.

Council volunteers organized a successful nationwide campaign to support the legislation for the Dunes national park. In 1966, compromise legislation, which established both the Indiana Dunes National Lakeshore and a port in the Dunes, was finally passed.

However, transforming the law into the reality of a national park proved to be a battle in itself. And that battle is not over. You can help preserve the Indiana Dunes by joining the Save the Dunes Council in its efforts to protect this national treasure. For more information, see the back of this brochure.

Ken Arway

Ken Arway

The Save the Dunes Council

Founding

After World War II, industrial expansion and the residential building boom threatened to destroy what remained of the once vast expanse of the Indiana Dunes. A group of concerned citizens, dunes lovers, scientists, and conservationists led by Dorothy Buell formed the Save the Dunes Council in 1952. Its purpose: to preserve and protect the Indiana Dunes for public use and enjoyment.

Achievements

The Council is effective. Our work was vital in the accomplishment of the following:

- Establishment of the Indiana Dunes National Lakeshore in 1966
- Enlargement of the Lakeshore in 1976 and 1980
- Acquisition of land for donation to the Lakeshore
- Defeat of utility plans for a nuclear power plant adjacent to the Dunes
- Defeat of plans for a freight yard and jetport
- Appropriation of adequate funds for purchase of land and construction of visitor facilities

Goals

Despite our achievements, there is much yet to do:

- Counteract efforts to remove federal protection.
- Acquire all lands that Congress has already authorized for purchase.
- Add vital dunelands still outside park boundaries.
- Ensure adequate funding for proper management.
- Preserve strong pollution control laws that protect Dunes ecology.
- Encourage use of mass transportation to the Dunes.
- Build more hiking and biking trails.

Help Us Save the Dunes

- Join the Save the Dunes Council
- Urge your elected representatives to support the Indiana Dunes National Lakeshore
- Visit the Dunes year round for recreation and study

Join the Save the Dunes Council

The Council depends on the financial support and the activities of its members to achieve its goal of preserving the Dunes. We invite you to join us in this endeavor. Just fill out the attached membership application and mail it in with the appropriate amount of money. Benefits of membership include:

- Newsletter with up-to-date information
- Alerts when important issues arise
- Suggestions on how you can help resolve critical problems
- Spring and fall dinners with guest speakers

Where to Find Us

Our Gift Shop and Office are located just west of the stoplight at U.S. 12 and Broadway in Beverly Shores. The shop, which is staffed by volunteers, is usually open from 10 AM to 4 PM. Our mailing address is:

Save the Dunes Council
P.O. Box 114
Beverly Shores, IN 46301
Telephone: (219) 879-3937

Come Visit Us Soon

For more information on the parks in the Indiana Dunes, contact either: Superintendent, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, IN 46304, (219) 926-7561 or Manager, Indiana Dunes State Park, 1600 North County Road, 25 East, Chesterton, IN 46304, (219) 926-4520.

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Written by Amy Beck
Designed by Ken Arway
Cover photo by Mike Gibbs

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Senator HECHT. Thank you very much.

Mr. David Dickson.

STATEMENT OF DAVID DICKSON, CONSERVATION ASSOCIATE, ISAAK WALTON LEAGUE OF AMERICA

Mr. DICKSON. Thank you, Mr. Chairman.

My name is David Dickson. I serve as a conservation associate with The Isaak Walton League of America. I would like to present a brief oral statement on the Indiana Dunes legislation and submit for the record a more comprehensive written statement—

Senator HECHT. Thank you very much.

Mr. DICKSON. —prepared by the League's Indiana Division. Mr. Read, State Director, was not able to attend this hearing.

Since the organization's founding in 1922 in Chicago, the League and its members have worked to protect our nation's natural heritage for the benefit of present and future generations. And for 34 years, the League, through its Indiana Division, has been a leader in the effort to establish the Indiana Dunes National Lakeshore and to protect its resources.

Today, we greatly appreciate this opportunity to express our views on the Indiana Dunes National Lakeshore expansion legislation, S. 2812 and H.R. 4037. We wholeheartedly support this legislation and urge the Committee's favorable consideration.

We would also like to express our appreciation for the two Senators from the Hoosier State, Senators Lugar and Quayle, for introducing S. 2812 as well as our appreciation for Representative Peter Visclosky who represents the area of the National Lakeshore and who introduced the companion bill, H.R. 4037.

The Lakeshore is one of this country's most significant urban parks. It is located within one of the nation's most industrialized regions, along the southern shore of Lake Michigan, just 35 miles from Chicago. Yet the Lakeshore includes extensive sand beaches, dunes, marshes, woodland and prairie vegetation. It provides for the recreation, enjoyment and environmental education of almost three million visitors per year.

The legislation now before this Committee represents an opportunity to better ensure the protection of the Lakeshore's resources and enhance the recreational opportunities available. While not including all the acreage we feel is ultimately necessary to protect the park's resources, the lands to be included within its boundaries represent a significant step in the right direction.

We would like to note, however, that while the bills are very similar, the Senate bill contains more land, specifically three parcels of land, some 215 acres in total, that lie within the city limits of Gary, Indiana. These are the most undisturbed lands proposed for inclusion within the boundaries of the National Lakeshore.

The League supports their inclusion in S. 2812 and we prefer that they be in a final version of legislation enacted this year.

The legislation also increases the land acquisition ceiling to allow the National Lakeshore to continue to acquire lands within the existing boundaries and to allow for the acquisition of lands proposed to be included within the boundaries by this legislation.

Both bills also, to varying degrees, increase the development ceiling of the National Lakeshore. This is a critical provision as the current development ceiling has been exhausted and the increase would enhance existing recreational uses and improve access to many areas of the park.

Both bills provide for a study to determine the feasibility of establishing U. S. Highway 12 as the "Indiana Dunes Parkway" under the jurisdiction of the National Park Service. The League supports this provision and believes such a parkway would complement the existing park.

As to provisions in the bill not related to added lands, but related to land owners' cooperative agreement, et cetera, we wish to emphasize that the wording of S. 2812 combined with existing language of the authorizing act is the result of careful consideration over many years of deliberation.

There is no time left in the session for the League to study and take a stand on any change in such wording. We, therefore, insist the existing language as we now understand it remain unchanged.

In conclusion, I would like to express our gratitude to you and the Committee for considering this legislation in such a timely manner.

[The prepared statements submitted by the Izaak Walton League of America follow:]

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Regional Representative

Statement of David Dickson
Conservation Associate
Izaak Walton League of America

Before the
Public Lands, Reserved Water and Resource Conservation Subcommittee
of the Committee on Energy and Natural Resources
United States Senate
September 19, 1986

Mr. Chairman, Members of the Committee: My name is David Dickson. I serve as Conservation Associate for the Izaak Walton League of America.

Since the organization's founding in 1922 in Chicago, the League and its members have worked to protect our nation's natural heritage for the benefit of present and future generations. And for 34 years, the League, through its Indiana Division, has been a leader in the effort to establish the Indiana Dunes National Lakeshore and to protect its resources.

Today, we greatly appreciate this opportunity to express our views on the Indiana Dunes National Lakeshore expansion legislation (S. 2812 and H.R. 4037). We wholeheartedly support this legislation and urge the committee's favorable consideration. We would also like to express our appreciation for the two senators from the Hoosier state, Senators Lugar and Quayle, for introducing S. 2812 as well as our appreciation for Representative Peter Visclosky who represents the area of the National Lakeshore and who introduced the companion bill, H.R. 4037.

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The legislation also increases the land acquisition ceiling to allow the National Lakeshore to continue to acquire lands within the existing boundaries and to allow for the acquisition of lands proposed to be included within the boundaries by this legislation. Both bills also, to varying degrees, increase the development ceiling of the National Lakeshore. This is a critical provision as the current development ceiling has been exhausted and the increase would enhance existing recreational uses and improve access to many areas of the park.

Both bills provide for a study to determine the feasibility of establishing U.S. Highway 12 as the "Indiana Dunes Parkway" under the jurisdiction of the National Park Service. The League supports this provision and believes such a parkway would complement the existing park.

I would like to conclude, Mr. Chairman, by expressing our gratitude to the committee for considering this legislation in such a truly manner.

Indiana Division

The Izaak Walton League of America
INCORPORATED
DEFENDERS OF SOIL, WOODS, WATERS AND WILDLIFE

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September 19, 1986

The Honorable Malcolm Wallop, Chairman
Subcommittee on Public Lands,
Reserved Water, and Resource Conservation
Senate Committee on Energy and Natural Resources

Mr. Chairman and Members of the Subcommittee:

On behalf of the Indiana Division of the Izaak Walton League of America, I wish to state our appreciation for this opportunity to submit testimony in favor of S. 2812 to add important areas to the Indiana Dunes National Lakeshore. The Izaak Walton League of America has supported the creation of the Indiana Dunes National Lakeshore since the very earliest days. In our testimony before the House Subcommittee on National Parks and Recreation on June 10, 1986, we asked that certain areas which were not included in H.R. 4037 as introduced be added. The House Committee did act favorably on several of our recommendations, but also dropped out several areas within the City of Gary of great importance.

In the long term we are convinced that all of the areas we recommended for inclusion within the Indiana Dunes National Lakeshore are essential to its continued existence and management. For your background interest, we can supply copies of our House testimony and accompanying map.

While being advocates, we are also realists. We recognize the budgetary constraints and the shortage of time left in this session. Therefore we ask you to act favorably on S. 2812 as soon as possible. As now proposed, we believe that the bill meets current needs with the minimum of controversy.

We greatly appreciate the re-inclusion of three areas in the City of Gary. We realize that differences with the House-passed bill could cause delays, but the areas in question are of the highest natural value to the National Lakeshore. We firmly believe that these areas will not interfere with the long-range plan by the city for a marina on Lake Michigan, nor will they have any significant effect on the city's tax base since much of the land is not now taxable. We therefore hope that reasonable people can devise the means to make inclusion of the Gary areas acceptable to the House members.

We also support the increase in the development ceiling as an obvious necessity to provide improved access and visitor use facilities. We have taken no position as to the amount and will accept what Congress agrees to provide.

We support the proposed study of U.S. 12 to determine its feasibility for a scenic highway. The highway as it exists today, with a canopy of mature trees for much of its length is, in fact, scenic. A study will hopefully lead to the necessary legal authority to keep it scenic. If not now presently the intention of the bill's language, the study should encompass the western end of the National Lakeshore. This would be from Portage/Burns Waterway westward along U.S. 12 to the Lakeshore's western boundary.

As to provisions in the bill not related to added lands, but related to land owners, cooperative agreements, etc., we wish to emphasize that the present wording of S. 2812, combined with the existing language of the authorizing Act, is the result of careful consideration over many years of deliberation. There is no time left in this session for the League to study and take a stand on any change in such wording. Therefore, we insist that the existing language, as we now understand it, remain unchanged.

The following comments relate to the areas included in S. 2812:

AREA I-G is an extension of a highly significant area of the National Lakeshore and is near the Paul H. Douglas Environmental Education Center. Consisting of low dune ridges and interdunal plains and wetlands, it is of the highest natural-value. The low dunes and interdunal ponds are remnants of a series of beach lines formed when Lake Michigan was at a slightly higher level than today. The successive dune ridges and the accompanying vegetation represent a geological and botanical "time-scale" which is the measuring stick for plant succession -- the basis of the science of plant ecology. This particular addition therefore is an important link in the scale of time, besides being so close to the Environmental Education Center.

AREA I-H is a continuation of the dunes and swales built up during a period of receding glaciers. It is at a higher elevation that the dune ridges in ARea I-G and represents a different phase of dune and plant succession. As such, it extends the "time-scale" further back into geological history and provides wider opportunities for demonstrating the science of ecology. The area contains significant plant communities not found elsewhere in the National Lakeshore.

AREA I-I is the remaining vacant land adjacent to the WEst Beach entrance and inclusion would provide protection and facilitate entrance planning.

AREA II-F would extend protection for the Little Calumet River and its flood-plain, part of which is now within the National Lakeshore. It also would include the lower end of Salt Creek, its flood plain, and adjacent slopes. This waterway is now used frequently for fishing and canoeing. The Little Calumet River extension, besides protecting some valuable unspoiled bottomland, would include a channelized section which connects with Portage/Burns Waterway, and thence to Lake Michigan. It would provide an opportunity to connect the now separated east and west units of the National Lakeshore via a waterway and riverbank foot trails. This connection has been proposed before.

In the past, it was opposed by Bethlehem Steel Corporation, the landowner. Now, however, Bethlehem has stated its desire to sell the land and its willingness to allow the waterway and a portion of the adjacent banks to be used for recreational purposes.

As passed by the House, the original Salt Creek Valley area was drastically reduced. However, we have since met with the Mayor of the City of Portage and his city planner, and have worked out a proposal which would add about 30 acres of bottomland and wooded slope. This enlargement is included in S. 2812 and all obstacles appear to have been resolved.

AREA II-G would include the important north slope of the undisturbed Little Calumet River Valley now within the National Lakeshore. It would extend the boundary to the limited access U.S. 12 and the Penn-Central Railroad tracks on the north. It was left out of the National Lakeshore originally so that landowner Bethlehem Steel could construct a private connecting road between the steel mill north of U.S. 12 and their vacant land south of U.S. 12. Since this land is now for sale, the road is no longer needed. The land is too narrow for industrial development and has no highway access. Adding it to the National Lakeshore is the logical alternative.

AREA II-H would preserve an impressive "ARchway of Trees" over U.S. 12 which serves as a major approach to the eastern portion of the National Lakeshore. In addition, it would preserve a steep, wooded slope on the south side of U.S. 12 which has geological significance. The slope is part of a "terminal moraine" --a deposit left by melting glaciers which is nowhere else included in the National Lakeshore.

AREA II-I is mostly a no-cost addition which would make the status of U.S. 12, the South Shore Railroad and the utility right of way consistent with similar areas now included in the western end of the National Lakeshore. It would provide greater management opportunities for the park without hindering the functions within the rights of way.

AREA II-J would connect the proposed Lakeshore campground area now in the National Lakeshore with the existing park boundary. It contains some dry wooded areas and a wetland known locally as Furnessville Marsh. It would enlarge the campground area and provide a much-needed land connection with the existing park boundaries.

AREA II-K is a narrow strip of land between the existing National Lakeshore boundary on the north and U.S. 20 on the south. Most of the land is now used as a privately owned gun firing range. Incredibly, the backstop for the targets is a dune, the backside of which is now within the National Lakeshore. Sooner or later a park visitor will walk up the National Lakeshore half of the dune and at the crest be in the direct line of fire. There is also no protection for residences on either side of the gun range nor protection for drivers on the adjacent high-speed, four-lane U.S. 20. As a representative of an organization which includes gun owners, we do not oppose gun ranges. But, in this instance, the location is obviously a danger to park users and should be included in the National Lakeshore. The present owner now lists the land as being for sale.

AREA III-F is adjacent to the major eastern entry point to the National Lakeshore and its inclusion would provide additional access facilities and prevent adverse usage.

AREA II-B is a critical area needed as a buffer to protect the Great Blue Heron nests now in the National Lakeshore. After the original Blue Heron Unit boundaries were drawn in the 1970s, a detailed field investigation determined that the nesting trees were very close to the unit's boundary. The areas now being considered have been used for crops--an activity which does not seem to have an adverse effect. But since nesting Great Blue Herons are very sensitive to disturbance, we fear that future development of the adjacent areas would be detrimental. As we understand it, S. 2812 would provide standby authority for the Secretary of Interior to obtain a protective easement if the land is threatened with adverse development.

AREA VI-A is an addition to the Hoosier Prairie Unit of the National Lakeshore. The Prairie, a National Natural Landmark, is now owned and managed by the State of Indiana, including the proposed addition. Therefore the boundary extension proposed by S. 2812 is a no-cost map change. But the extension of the boundaries would offer additional protection for the land and be consistent with existing practice.

We thank you again for this opportunity to submit testimony and particularly wish to express our appreciation to Senator Dan Quayle and to SEnator Richard Lugar for their interest and support in this effort.

Submitted on behalf of the Indiana Division of the Izaak Walton League of America by:

Herbert P. Read

Herbert P. Read, State Director at Large
Indiana Division
Izaak Walton League of America
70 East State Park Boundary Road
Chesterton, Indiana 46304

Senator HECHT. Thank you.
Mr. Robert Farag.

STATEMENT OF ROBERT FARAG, REPRESENTING MAYOR HATCH OF THE CITY OF GARY, IN

Mr. FARAG. Thank you, Senator.

I am sure this is not the last but least in this situation. We just came in yesterday evening.

My name is Robert Farag. I am representing Mayor Hatch of the City of Gary. The Mayor wishes for me to express his regrets he could not be here personally, but asked me to make some brief comments in regard to Senate Bill 2812.

The city's position on Senate Bill 2812 stands the same as indicated during the hearing on a similar bill that was passed by the House. At that time we expressed our concern regarding the acquisition of approximately 215 acres located within the corporate limits of our city.

As a result, Congressman Visclosky had those particular acreage removed from the House bill prior to its being passed. I am here again to express our objections to the inclusion of these parcels in the Senate bill.

The Mayor just yesterday had a long conversation with Senator Quayle whereby he expressed his concerns to the Senator. Let me try to briefly address these concerns. Let me preface it by saying the city's relationship with the National Lakeshore has been extraordinarily well received and the working relationship has been for quite some time, especially with superintendent, Dale Inquist, in that particular area.

Needless to say, we still object to the inclusion of the acreage, the reason being that ~~the~~ city has already donated several thousand acres of land, including valuable lakefront land to the National Lakeshore. As a result, we are now facing the fact that we will need to negotiate with the parks in order for us to gain access to a proposed marina development on the lakefront.

In other words, we will then have to negotiate with the parks in order for us to get to what we are proposing as a marina development.

Number two, the current bill does not call for any developmental money other than acquisition of property.

Three, some of the land is privately owned, therefore, will eliminate taxable properties.

National Lakeshore has not been responsive to the needs of improvement to areas that affect the national park such as streets that are in the corporate limits of our city that are access to the particular parks. Much of the development has been outside the city except for the recently completed Polly Stovenson Environmental Center.

Let me say that under the National Parks Management Plan the marina development was a priority under that particular document, but as a result of budget cuts, that plan was closed, in effect, for any particular developmental money.

Let me say this. As with any particular disagreement among individuals, there are points of negotiation. As the Mayor indicated to Senator Quayle, the city's position is that we are looking at a major development on the lakefront and in order for this development to become a reality, we will need assistance, especially in the development of infrastructures to this particular area.

As the Mayor indicated to Senator Quayle, if the bill can identify dollars that would be made available for the development of the infrastructure for our particular proposed marina, then we might be in a better position to look at possibly supporting inclusion of the 215 acres. At this time the bill does not call for that.

We estimate the cost of the infrastructure will be approximately $10 million. The bill only calls for acquisition and minor developmental cost. Therefore, we have to be in opposition to this particular bill as it stands now.

I am sure that in conversations with the Senator that negotiations and discussions will go further. It is my hope and the Mayor's hope that some resolution can be achieved. But if the bill stands as it is, we hope that the Senate will take the same position as was taken in the House and that the 215 acres currently within the corporate limits of the City of Gary would be eliminated from Senate Bill 2812.

Thank you for your time.

Senator HECHT. Thank you for coming from Indiana and appearing before us.

Let us go now to the next panel, Mr. Gordon Woodcock, President, L-5 Society, Ms. Sandra Lee Adamson, Washington Representative, American Space Memorial Foundation, and Mr. Clay Peters, Apollo Society.

Mr. Woodcock.

STATEMENT OF GORDON R. WOODCOCK, PRESIDENT, L-5 SOCIETY

Mr. WOODCOCK. Thank you, Mr. Chairman.

I am pleased to be here on behalf of the L-5 Society today. We of the L-5 Society are honored to be considered by S.J. Res. 372 to represent the American people in establishing a memorial to our astronauts.

We are proud of America's space program. We applaud the commitment, dedication and skill of our astronauts. We hold their courage in high esteem. Like all Americans, we are saddened by their sacrifices. But we believe they accept the challenges and dangers of exploring the space frontier knowing that what they do opens new paths to a hopeful future for all of us.

These brave men and women carry the pioneering spirit that built this nation and vitalized its culture. It is this pioneering spirit, this commitment to the future, that we hope to memorialize.

We look to an architectural memorial embodying American pioneering spirit and sacrifice. We hope to inspire and enthuse young and old to dream the dreams and embrace the visions that make America the hope of the world.

We created the American Space Memorial Foundation to work for this memorial. We felt it was appropriate to establish a dedicated organization rather than risk the memorial effort being diluted or diverted by the many other activities pursued by the L-5 Society itself.

We are also sensitive to the issues of accountability. We believe that contributors to a worthy cause deserve assurance that their funds are dedicated to the purposes intended. We believe the way we have organized our memorial activity provides this assurance.

This mission to build a memorial to past sacrifices and future dreams, is consistent with the goals and dreams the L-5 Society embraces as its driving inspiration. We are a society of people who accept the challenge of opening the space frontier for industry and enterprise and eventual settlement.

We believe in a hopeful future, but we understand that it will only happen if people are committed to it and work very hard for it. Like any pioneering effort, we know this one is challenged by risks, frustrations and disappointments. Like many pioneering efforts, we know this one offers inestimable benefits, both cultural and economic. That is why we hold such special regard for astronaut pioneers and why we wish to establish this memorial.

That completes my statement. Thank you for the opportunity to appear before your Committee and to testify in behalf of this bill.

Senator HECHT. Thank you very much.

Sandra Lee Adamson.

STATEMENT OF SANDRA LEE ADAMSON, WASHINGTON REPRESENTATIVE, AMERICAN SPACE MEMORIAL FOUNDATION

Ms. ADAMSON. Thank you.

My name is Sandra Lee Adamson and I am here today as the Washington Representative of the American Space Memorial Foundation. I also serve on the Board of Directors of the L-5 Society and as their Secretary.

I would like to submit my written statement for the record and briefly summarize it here.

The L-5 Society did not seek out this opportunity. Rather, Represenitive Robert Badham's office called the L-5 Society on the day after the tragic shuttle accident and requested we carry out the responsibility of selecting a site, preparing a design and plans for the memorial and that in addition we be responsible for the raising of funds to carry out construction of the memorial.

It is a great honor to be asked to build such a tribute to America's heroes because they symbolize indeed the very best that America has to offer. It is appropriate that such a memorial should be built here in Washington, D.C., because of the high visibility that the heroes of the American space program deserve.

All this is a national effort and it is a national tribute. One hundred years from now we will not be remembered for our elections, our fashions, or our cars. No, we will be remembered because it is in our time that mankind first stepped foot on another planet, our moon, and 500 years from now we will be remembered because we first took mankind into space.

Let us work to ensure that we and not the Soviets will be remembered for taking mankind permanently into space.

What we envision is a memorial which not only honors our astronauts, but also honors America's space program and the men and women of our Government, industry and academia and indeed all Americans whose contributions built and will continue to build the base on which our heroes stand. That truly represents the pioneering spirit of America.

The Smithsonian Air and Space Museum, a wonderful museum, depicts the hardware of our space effort more than adequately and what we lack is an inspirational memorial to the tremendous human contribution that makes that hardware work.

What we envision for this memorial is a landscape solution with a simple piece of interactive art and we will hold a national design competition. We cannot tell you at this time what that design will look like.

We are prepared, willing and able to work with the Memorial Advisory Committee, the National Capital Planning Commission, the Commission of Fine Arts and the Secretary of Interior to create an appropriate and pleasing memorial of which we can all be proud. One that will inspire our young people to greater efforts, one that will remind us of the pioneering spirit which has made this country great and one that commemorates and honors those who have given so much in the pursuit of knowledge to open the frontier of space.

Thank you very much.

[The prepared statement of Ms. Adamson follows:]

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Statement of

Sandra Lee Adamson
Washington Representative

American Space Memorial Foundation

before the

Committee on Energy and National Resources
Subcommittee on Public Lands, Reserved Water and Resource Conservation

September 19, 1986

Mr. Chairman and distinguished Members of the Committee:

My name is Sandra Lee Adamson, and I am here today as the Washington Representative of the American Space Memorial Foundation. I also serve on the Board of Directors of the L5 Society and as their Secretary .

It is an honor and a privilege to testify before this Committee on Senate Joint Resolution 372, authorizing establishment of a memorial to honor America's astronauts, and, in particular, those who have given their lives in pursuit of knowledge for all mankind.

This legislation is the companion bill to House Joint Resolution 504, introduced by Mr. Robert Badham on January 29, the day after the tragic accident in which seven brave Americans gave their lives in pursuit of opening the frontier of space.

The L5 Society did not seek out this opportunity. Rather, Mr. Badham's office called the L5 Society and requested that we carry out the responsibility of selecting a site; preparing the design and plans for the memorial; all subject to the approval, of course, of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission; and further, that the L5 Society be responsible for the raising of funds to carry out the construction of the memorial.

It was a great honor to be asked to build such a tribute to America's heros, because they symbolize the best that America has to offer.

Now is the time, while it is actually happening, for us to establish an historically accurate memorial to the greatest achievement of mankind. One hundred years from now, we will not be remembered for our elections, our fashions, our cars. No, we will be remembered because it is in our time, that mankind first step foot on another planet, our Moon. And five hundred years from now, we will be remembered because we first took mankind into space. Let us work to ensure that we and not the Soviets will be remembered for taking mankind permanently into space.

What we envision is a memorial which not only honors our astronauts, but also honors America's space program and the men and women of our government, industry, and academia and, in deed, all Americans whose contributions built, and will continue to build, the base upon which our heros stand. That truly represents the spirit of America -- that pioneering spirit which brought my ancestors and yours to the shores of this country. It is that search for, and the challenge of, new frontiers that is the lifeblood of America.

What we envision is a landscape solution with a simple, elegant piece of interactive art. We will hold a national design competition, so we can not tell you at this time what the memorial will look like.

We are prepared, willing, and able to work with the Memorial Advisory Committee, the National Capital Planning Commission, the Commission of Fine Arts, and the Secretary of Interior to create an appropriate and pleasing memorial of which we can all be proud. One that will inspire our young people to greater efforts, one that will remind us of the pioneering spirit which has made this country great, and one that commemorates and honors those who have given so much in the pursuit of knowledge to open the frontier of space.

Senator **Hecht**. Thank you.

Mr. Clay Peters.

STATEMENT OF CLAY PETERS, MEMBER, BOARD OF DIRECTORS, APOLLO SOCIETY

Mr. **Peters**. Thank you.

My statement is short, but I will highlight it.

I am Clay Peters, a member of the Board of Directors of the Apollo Society, and I appear here today on behalf of our President, Mr. Joe Fury.

The Apollo Society is a nonprofit organization created in 1983 and dedicated to the preservation and re-erection of the historically important Apollo Launch Tower at the Kennedy Space Center at Cape Canaveral in Florida.

We are in strong support of the basic objective of S.J. Res. 371—to memorialize and honor the astronauts of America's space program. We would like to offer an additional consideration as to how such commemoration might be best accomplished more directly on the site of the active Kennedy Space Center.

More specifically, we think such commemoration might best embrace and be associated with the re-erection and preservation of one of the space program's most international, historic and largest remaining artifacts, the 400-foot tall Apollo Launch Tower.

This remaining tower, recently slated for demolition, was the very launch tower which was used to put man on the moon, one of the greatest, if not the greatest, technological achievement in the history of human kind.

Congress has expressed a major interest in the preservation of components of America's space program by enactment of a provision of law requiring the initial inventory and assessment of the components of the space program and the recommendation of ways to preserve important elements of it.

Incidentally, Mr. Chairman, that was a piece of legislation that came through this very Committee in 1980.

That study, in which NASA is to be a principal participant along with others is not yet complete; in fact, is overdue. Members of your companion Committee of the House have requested this study be submitted to Congress by not later than February of next year.

We remain supportive of this commemoration desire and would be most pleased to participate in any further actions in that regard where our involvement might be helpful.

Thank you very much.

[The prepared statement of Mr. Peters follows:]

APOLLO SOCIETY
Post Office Box 790 • Lompoc, California 93438

STATEMENT OF THE APOLLO SOCIETY WITH REGARD TO S. J. RES. 372 BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES OF THE UNITED STATES SENATE

September 19, 1986

Mr. Chairman and Members of the Subcommittee, I am Clay Peters, a member of the Board of Directors of the Apollo Society, and I appear here today on behalf of our President, Mr. Joe Fury.

The Apollo Society is a non-profit organization created in 1983, and dedicated to the preservation and re-erection of the historically important Apollo Launch Tower at the Kennedy Space Center at Cape Canaveral in Florida.

We are in strong support of the basic objective of S. J. Res. 372--to memorialize and honor the astronauts of America's space program. We would like to offer an additional consideration as to how such commemoration might be best accomplished.

We believe that such commemoration might be best accomplished more directly on the site of the active space activities--at the Kennedy Space Center (KSC) More specifically, we think that such commemoration might best embrace and be associated with the re-erection and preservation of one of the space program's most internationally historic and largest remaining artifacts--the 400 foot tall Apollo 11 launch tower.

This tower was the last of three of its type. Two similar ones have been destroyed. This remaining tower, recently slated for demolition, was the very launch tower which was used to put man on the moon--one of the greatest, if not THE greatest, technological achievements in the history of humankind.

Through the vigorous and determined action of numerous Members of Congress and private preservation groups, beginning in 1983, the tower was saved from demolition. Moreover, NASA has since identified a site for the tower's re-erection at the KSC visitor center. Plans anticipate the restoration of the tower's original character and the provision for public access directly onto the tower, along with the placement of an authentically simulated Saturn V moon rocket immediately adjacent to it.

This will be the largest and one of the most historic pieces of real space hardware to which the public will have direct access. It will likely become the greatest magnetic attraction at the visitor center complex, dwarfing all others in both size and appeal. We had always anticipated that associated with this tower would be a major commemorative ingredient related to the astronaut corps and the entire space team--those who have given their lives, as well as those many more who have given their lifetimes. We feel that public appreciation of this human dedication would be much greater coupled with original, massive historic fabric--the real thing--than at some more remote geographic site detached from the exciting atmosphere of live space activities.

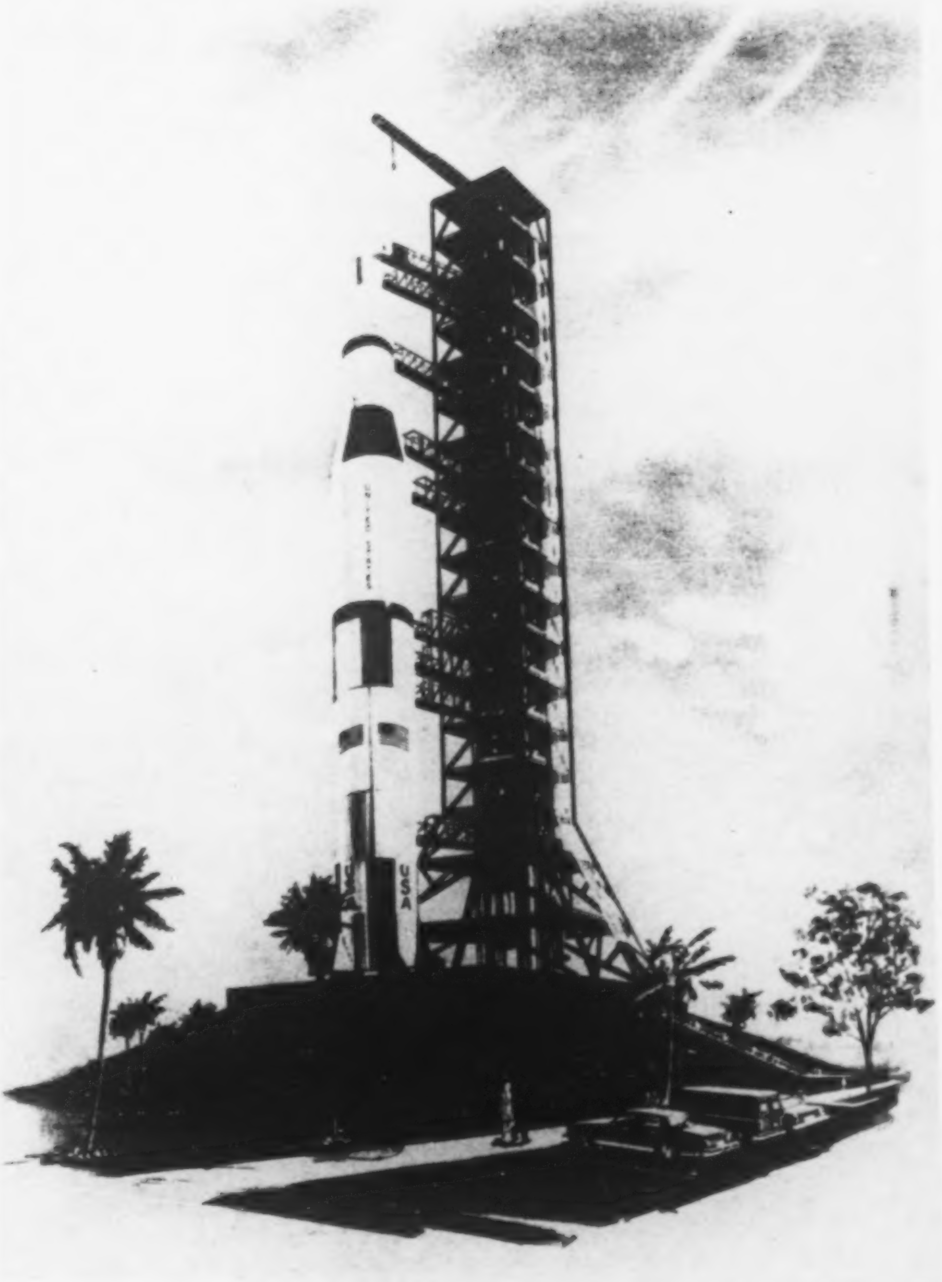
We too, anticipate the necessity of a public fund-raising campaign to get the tower re-erected, along with the support of major corporate sponsors.

Congress has already expressed major interest in the preservation of the historic components of America's space program by the enactment of a provision of law requiring the inventory and assessment of the components of the space program, and the recommendation of ways to preserve important elements of it (Section 18 of Public Law 96-344).

That study, in which NASA is to be a participant along with others, is not yet complete; in fact, it is overdue. Members of your companion committee of the House have recently requested that this study be submitted to the Congress by no later than February of next year.

We urge that you consider requesting that this current study effort also address the commemoration issue raised by this legislation now before you. In that manner, perhaps a more comprehensive series of alternatives might be explored and developed as to how and where such important commemoration might best occur.

We remain supportive of this commemoration desire, and would be most pleased to participate in any further actions in that regard where our involvement might be helpful.


USA
USA

A: LEGISLATION

Public Law 96-344
96th Congress

An Act

To improve the administration of the Historic Sites, Buildings and Antiquities Act of 1935 (49 Stat. 666).

Sept. 8, 1980
[S. 2680]

Man in Space commemoration Study

Sec. 18. The Secretary shall conduct, in consultation with the National Aeronautics and Space Administration, the Department of Defense, and any other entities considered by the Secretary to be appropriate, a study of locations and events associated with the historical theme of Man in Space. The purpose of such study shall be to identify the possible locations, components, and features of a new unit of the national park system commemorative to this theme, with special emphasis to be placed on the internationally historic event of the first human contact with the surface of the moon. The study shall investigate practical methodologies to permanently safeguard from change the locations, structures, and at least symbolic instrumentation features associated with this theme, and to display and interpret these for visitor appreciation. Governmental entities controlling these locations, structures, and features are hereby requested to preserve them from destruction or change during the study and congressional review period insofar as is possible. A comprehensive report derived from this study, including potential action alternatives, shall be submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate no later than one complete fiscal year after the effective date of this section.

Report to congressional committees

"Secretary."

Sec. 19. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

Effective date

Sec. 20. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1980. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

Approved September 8, 1980.

NINETY-NINTH CONGRESS

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COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

STANLEY SCOVILLE
STAFF DIRECTOR
AND COUNSEL

ROY JONES
ASSOCIATE STAFF DIRECTOR
AND COUNSEL

LEE McELVAIN
GENERAL COUNSEL

RICHARD AGNEW
CHIEF MINORITY COUNSEL

August 15, 1986

Honorable Donald P. Hodel
Secretary of the Interior
U.S. Department of the Interior
Washington, DC 20240

Dear Mr. Secretary:

The accomplishments of the United States manned space program during the 1961-1975 era stand apart as a singularity of greatness in the history of our country. Unfortunately, very little has been done to preserve and protect the locations and structures that played the key roles during this period. Consequently, many facilities of great historical significance have been lost forever because of lack of foresight and neglect.

Section 18 of Public Law 96-344 (1980) mandates the Department of the Interior to conduct a comprehensive study of "locations and events associated with the historical theme of Man in Space....with special emphasis to be placed on the internationally historic event of the first human contact with the surface of the moon." A comprehensive report was to be submitted to Congress by September 30, 1981.

A preliminary report was delivered to the Committee on Interior and Insular Affairs in March 1982. This report was the reconnaissance survey of potential candidate sites and structures. However, P.L. 96-344 required the study to "investigate practical methodologies to permanently safeguard from change the locations (and) structures....associated with this theme, and to display and interpret these for visitor appreciation." To date, we have not received this "potential action alternatives" study report.

In 1983, the Apollo Launch Tower which sent men to the moon for the first time was scheduled for scrapping. After considerable effort by Congress and private groups, NASA had the tower disassembled in an orderly fashion and put in storage for future assembly. Efforts are on-going to raise private funds for reassembly, but without National Park Service involvement similar to the Statue of Liberty fund raising campaign, the effort will be difficult.

The launch tower on Launch Complex 26 at the Cape Canaveral Air Force Station is currently scheduled for dismantling and possible scrapping. Launch Complex 26 sent the first American satellite into space in 1958, and later became a part of the Air Force Space Museum at the Cape. Lack of funds for proper maintenance are the reasons given for the launch tower's demise. If it is scrapped, it will join a growing list of other historic space structures that no longer exist.

The Apollo Launch Tower is listed in the National Register of Historic Places, and Launch Complex 26 is a National Historic Landmark. They are but two examples of our space history that is being lost. Action must be taken to avoid further decay of an already diminished heritage.

We realize hard choices are having to be made during this period of austere federal funding. However, these structures are irreplaceable, one-of-a-kind examples of engineering and architectural design that hearken back to a unique, epochal period of great accomplishment. Therefore, we ask for your assistance in directing the National Park Service to take the following actions:

(1) Conduct the "potential action alternatives" study for the Man in Space Program and provide recommendations to the Committee on Interior and Insular Affairs on candidate structures for permanent preservation, display, and interpretation. These recommendations should include prioritization of these candidate structures, taking into account historic significance, ease of public access, and immediate and long term maintenance costs. The report should be presented to the Committee by February 1, 1987.

(2) Study possibilities and alternatives to support the private fund raising campaign for reassembly of the Apollo Launch Tower.

(3) Work with the Air Force to establish alternatives to scrapping the Complex 26 launch tower.

It would be appreciated if we could receive an interim report on your progress in these three areas by November 1, 1986.

Thank you for your help and assistance in this matter.

Sincerely,

Mo Udall
MORRIS K. UDALL
Chairman

John Seiberling
JOHN F. SEIBERLING
Chairman
Subcommittee on Public Lands

Robert J. Lagomarsino
ROBERT J. LAGOMARSINO
Ranking Republican Member
Subcommittee on National Parks

Manuel Lujan Jr.
MANUEL LUJAN, JR.
Ranking Republican Member
Committee on Science and Technology

National Aeronautics and
Space Administration

John F Kennedy Space Center
Kennedy Space Center Florida 32899

NASA

Reply to Attn of: CD

FEB 1[illegible] 1985

Robert L. Mawson
Chairman
Save the Apollo Launch Tower, Inc.
1785 Massachusetts Avenue, NW
Washington, D.C. 20036

Dear Mr. Mawson,

We are pleased to learn of your recent decision to proceed with the project to raise necessary funds to re-erect the Apollo Launch Umbilical Tower (LUT). We at the Kennedy Space Center support your goals in this historic project.

As you are aware, a site has been designated at KSC to be utilized by Save The Apollo Launch Tower (STALT) to re-erect the tower upon successful completion of the fund raising campaign and finalization of an operations permit. When appropriately re-erected, we believe this tower will complement, in a positive manner, the existing exhibits at the Visitors Center and the educational experience offered to the general public concerning this Nation's Space efforts.

The Kennedy Space Center would like to wish you success in your fund raising project.

Sincerely,

RGSmith

Richard G. Smith
Director

Congress
of the
United States
House of Representatives

BILL NELSON
FLORIDA
ELEVENTH DISTRICT

CHAIRMAN OF SUBCOMMITTEE
SPACE SCIENCE AND APPLICATIONS
COMMITTEES
SCIENCE AND TECHNOLOGY
BANKING, FINANCE AND URBAN AFFAIRS

November 4, 1985

The Apollo Society
Post Office Box 790
Lompoc, California 93438

To Whom It May Concern:

I wish to lend my hearty endorsement to others of the Apollo Society in their efforts to preserve the Apollo Launch Tower -- symbol of the first manned moon orbit and landing.

In 1983, we were successful in funding the dismantling of this historic tower so that it might be rebuilt at a later date. Now we are beginning the task of raising the funds privately so that the tower can be reconstructed on a site near the existing Kennedy Space Center's Visitor's Center. Early in 1986, I plan to meet privately with a number of corporate CEO's to discuss the future of this historic landmark.

The Apollo Launch Tower is the last of three gantries used during the Apollo era. The other two have been demolished and sold for scrap. This is the last opportunity that we have for saving this piece of our nation's history.

With the enthusiasm that has been generated by the Apollo Society, I have no doubt that we will be successful in saving the Apollo Launch Umbilical Tower.

Sincerely,

Bill Nelson

rrr

IN RESPONSE, PLEASE REPLY TO:

WASHINGTON OFFICE
307 CANNON HOUSE OFFICE BUILDING
WASHINGTON DC 20515
(202) 225-3671

MELBOURNE OFFICE
780 SOUTH APOLLO BLVD. SUITE 12
MELBOURNE, FLORIDA 32901
(305) 724-1978

ORLANDO OFFICE
FEDERAL BUILDING, SUITE 300
ORLANDO, FLORIDA 32801
(305) 841-1776

KISSIMMEE OFFICE (305) 847 0723
MERRITT ISLAND OFFICE (305) 459-1776
TITUSVILLE OFFICE (305) 268-1776
VERO BEACH OFFICE (305) 569-1978

APOLLO SOCIETY

20 December 85

Dear Friend,

The extent of the American commitment to space exploration was illustrated in the late 1950s when the press corps turned out in full force to meet the original seven astronauts. In the next decade the National Aeronautics and Space Administration fought for and won appropriations to send a man to the moon and back by 1970, and in July of 1969 the feat was accomplished. But even as the world paid homage to this amazing technological success, the nation began to move on to new challenges. Left behind were the vast array of abandoned launch complexes and hardware that had supported early space flight.

As an active member of the National Park Service Advisory Board and Council since 1973, I was pleased to accept an assignment to aid the NPS reconnaissance team on a survey of what remains of the massive effort that has been designated "Man in Space." During our survey of the Cape Canaveral facilities, I saw my name in marble on a small slab at pad 14, the Mercury launch site. I felt crumbling rust on the Gemini erector and avoided walking under the remaining structure where the exciting Gemini launches took place. I felt remorse when I saw the flaking painted sign that commemorated my Apollo 7 launch--a sign that did not note that Gus Grissom, Ed White and Roger Chaffee died there. Finally, I saw the pad where the lunar flights began and where the shuttles are now being launched. There's a crying need to save some of the early launch and test facilities.

A small group of Americans working feverishly against time managed to save the most important and most impressive artifact from the scrap pile - the Apollo 11 launch tower. The plans are now in place to rebuild a Saturn V Moon Rocket and launch pad, not to launch rockets to the moon, but to launch the imaginations of our children for generations to come, to the moon and beyond.

I urge you to lend a hand to the Apollo Society as they begin their fundraising campaign so that the Apollo National Monument will stand in permanent tribute to the Americans who worked together and accomplished the impossible!

Sincerely,

Walter M. Schirra, Jr.

Headquarters for Development Post Office Box 790 Lompoc, Ca. 93438

APOLLO SOCIETY

February 15, 1986

Dear Adventurer,

The thing that separates man from other creatures is man's imagination. His inborn drive to make his dreams come true is what has brought mankind to where we are today. We once dreamed of flying through the air, and now we do. We once dreamed of going to the moon and then we went there. Today we dream of space stations, travel to the planets and ultimately to the stars.

What stimulates men to have such dreams? Much of it comes from the natural urge to explore and invent. Those in my profession like to think that science fiction stories amplify and accelerate man's dreams. We believe our writings plant seeds in young minds and that these minds grow up and try to realize these dreams. I believe that history has proved us right.

If words and pictures can help men dream then a towering moon rocket poised for launch and the actual tower which sent the first men to the moon can only burn an even deeper dream into young minds. As these young minds ride 400 feet into the sky to touch the Apollo capsule the dream will burn hotter. It will become clear that if men could build such an awesome machine to send three people to the moon and back, then we can do anything we want to. Every visitor will feel a closer tie to the space program.

The Apollo National Monument will help secure our future in space and in technology. It will be the 400 foot tall "monolith" which will say to all who touch it "REACH FOR THE STARS!" immortalizing the words of our brave first teacher-astronaut and the spirit of all who have worked on or died for the space program.

I had always assumed that such a monument would be built, in fact I wrote about this very monument in chapter 7 of 2001:A Space Odyssey. The space program is a human endeavor. This splendid monument will help bring it to the public.

Please help the Apollo Society build the Apollo National Monument. It will be a dream come true and a seed for new dreams.

Sincerely,

Arthur C Clarke

Arthur C. Clarke

Headquarters for Development Post Office Box 790 Lompoc, Ca. 93438

Senator HECHT. Thank you.

The Park Service recommended earlier this morning that the L-5 Society consider establishing the memorial at Cape Canaveral or the Space Center at Houston, Texas.

What are your thoughts about this recommendation?

Mr. PETERS. Mr. Chairman, we are delighted to hear that because that is fully in accord with our purposes of hoping someday to get erected that wonderful tower that we think is so important.

Senator HECHT. Mr. Woodcock, would you like to respond?

Mr. WOODCOCK. Yes. We believe that the kind of memorial that is discussed in this proposed bill should be created in the Washington, D. C., environment because of the nature of the memorial and because this is a high visibility area.

We believe it would be more appropriate here as a national symbol. We are certainly not opposed to the idea of preserving the Apollo Launch Tower. We think that is a great idea also.

I think we take too much of the opportunity in this country to destroy things of historic value. We think that an architectural memorial is appropriate to the intent of S.J. Res 327.

Senator HECHT. In fairness, I have to ask you what you think about it.

Ms. ADAMSON. I echo Mr. Woodstock's words. I think it is important for the placement to be in Washington, D. C. It is a tribute to our nation's heroes and in a larger sense to America's space program and effort that we will continue in years in the future.

We must reach for the stars and that pioneering spirit is a very important part of America's livelihood, the very thing that makes America so very special is that my ancestors and probably yours were early pioneers in this country and it is that pioneering spirit in the future we want to symbolize by honoring our heroes and what they have given in pursuit of that knowledge.

Senator HECHT. Thank you very much.

Thank you all.

Next is Mr. Eric Bock from the City of Los Angeles.

STATEMENT OF ERIC P. BOCK, OFFICE OF CHIEF LEGISLATIVE ANALYST, CITY OF LOS ANGELES, CA

Mr. BOCK. Thank you, Mr. Chairman.

I have a brief statement. We are going to submit detailed comments for the record.

Senator HECHT. Fine.

Mr. BOCK. My testimony relates to S. 2758, the Nevada-Florida land exchange. We are concerned relative to the transmission corridors for the White Pine Power Project which is giong to be built or planned to be built in White Pine County, Nevada.

The area that is subject to land exchange represents the last north-south border of our transmission lines in eastern Nevada. Since 1980 Los Angeles Water and Power had been working with the Federal Government to do an environmental assessment of the routing for transmission corridors in this area.

In 1984 the EIS was released and on March 26 of 1985 the record of the decision was signed by Nevada State and BLM. The current proposal does not recognize the environmental assessment taking place on this transmission corridor and the need for providing for such a corridor.

We would like to see in the bill some recognition of the need for the corridor and the environmental process to take place. We will be submitting a detailed statement on that issue and proposal.

[The statement follows:]

A Nevada—California energy generation development in White Pine County
Development Manager:
Los Angeles Department of Water and Power
Room 931, Post Office Box 111, Los Angeles, California 90051

Testimony on S. 2758 on Behalf of the White Pine Power Project Before the Public Lands, Reserved Water and Resource Conservation Subcommittee

by

Eldon A. Cotton
Project Manager

September 24, 1986

Mr. Chairman, the White Pine Power Project (WPPP) appreciates the opportunity to submit for the record testimony regarding the proposed 45,298 acre withdrawal of public land in Clark County and Lincoln County, Nevada, and the ultimate intent to exchange this land for land in Florida. The WPPP concerns relate to electric transmission corridors within the land to be exchanged. This potential exchange would seriously impact the two proposed WPPP transmission lines, as well as result in closure of the major north-south utility transmission corridor in eastern Nevada.

The WPPP is a proposed 1500 megawatt coal-fueled generating facility and associated transmission lines to be located in eastern Nevada to help meet the future electrical needs of Nevada and California residents. The White Pine County community is a strong proponent for the WPPP. Community participation throughout the WPPP development phase has been instrumental in creating a project that will have a positive social and economic impact on White Pine County. The construction and operation of this $2.5 billion project would result in significant economic benefits to White Pine County and the State of Nevada. The Los Angeles Department of Water and Power (LADWP), as Development Manager for the WPPP, has been working with the Bureau of Land Management (BLM), as Lead Agency, since 1980 on the routing and environmental assessment of corridors from the proposed WPPP site in White Pine County, Nevada, to southern Nevada. The WPPP participants have expended approximately $23.5 million to date on the Project development phase to assure that the spirit and legal requirements of the federal and Nevada environmental protection laws and regulations were observed in the siting of the WPPP generating station and the routing of the WPPP electric transmission lines.

White Pine County ☐ Boulder City ☐ Lincoln County Power District No. 1 ☐ Mt. Wheeler Power Inc. ☐ Nevada Power Company
Overton Power District No. 5 ☐ Sierra Pacific Power Company ☐ Valley Electric Association ☐ Wells Rural Electric Company
(and the California cities) ☐ Anaheim ☐ Burbank ☐ Glendale ☐ Los Angeles ☐ Pasadena ☐ Riverside

As required by Section 102 of the National Environmental Protection Act (NEPA) for major Federal actions significantly affecting the quality of the human environment, the BLM and LADWP consulted with numerous federal and state regulatory agencies and interested parties in preparation of the WPPP Environmental Impact Statement (EIS), a detailed statement which assessed:

(i) the environmental impact of the proposed action;
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
(iii) alternatives to the proposed action;
(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Public hearings to assure full public participation in the NEPA environmental assessment process for the WPPP were held throughout the State of Nevada, with public comments being received and considered before the EIS was finalized.

The WPPP preferred electric transmission corridor (Attachment 1), which is described in the WPPP Final EIS, is located directly north of and through the area proposed for withdrawal, and is the critical utility corridor linking northeastern Nevada with southern Nevada. The WPPP preferred electric transmission corridor, although tightly constrained by the Delamar Mountains Wilderness Study Area (WSA) to the west and by the Meadow Valley Mountains WSA to the east (Attachment 2), is sufficient to route all of the electric transmission lines currently being considered.

The alternative to the preferred segment is located near the Pahranagat Wildlife Refuge and is also severely constrained by WSA boundaries under federally mandated WSA restrictions. The alternative electric transmission corridor segment, previously evaluated by the BLM for the second Intermountain Power Project electric transmission line, has insufficient capacity to accommodate more than one of the four known electric transmission lines proposed for routing through this area.

The alignments of the WPPP preferred and alternative electric transmission corridors are based on sound engineering principles and economic considerations. Severe alignment angles between 20-90 degrees require massive dead-end transmission towers to support the electric conductors and will increase the cost of constructing the electric transmission lines through the withdrawal area.

The proposed land exchange that would result from the passage of S. 2758 would preclude the use of the WPPP preferred and alternative electric transmission line corridors and would eliminate the path for transmission of electricity from WPPP or the other known electric transmission line projects proposed for routing through this area.

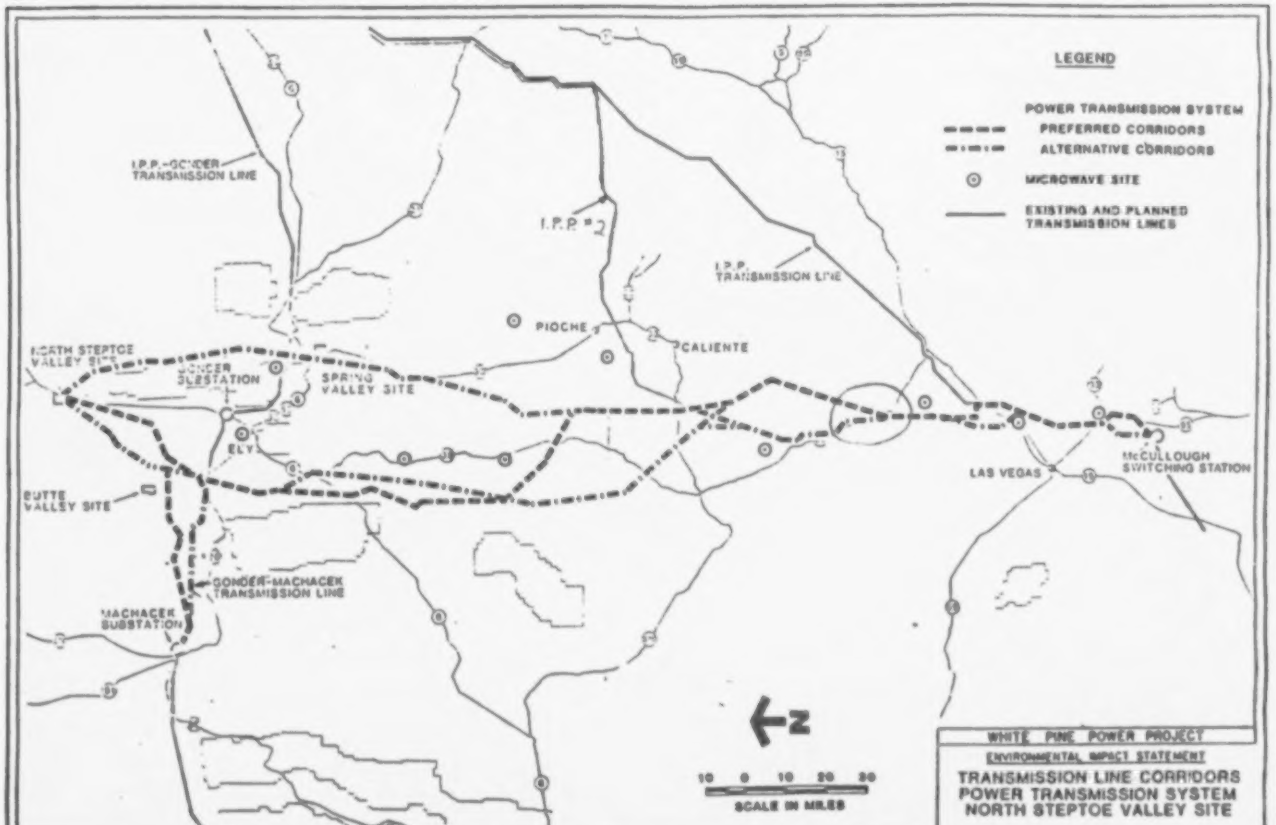
The above concerns were conveyed to the U.S. Fish and Wildlife Service (USFWS) by letter dated August 18, 1986 (Attachment 3). To date, USFWS has not provided any provisions for allowance for issuance of rights-of-way for WPPP corridors within the land to be exchanged. In addition, S. 2758 does not contain any provisions for previously evaluated corridors. The LADWP has offered to the U.S. Department of the Interior, by letter dated November 5, 1985 (Attachment 4), to exchange the LADWP-owned Corral Canyon property located in the Santa Monica Mountains Recreational Area for BLM-managed property, including land in this area, needed for the WPPP. In response to the introduction of S. 2758, a letter was sent to the Secretary of the Interior dated September 18, 1986 (Attachment 5) by the WPPP stating its concerns about the impacts on the electric transmission corridor relative to the proposed land exchange.

It is requested that public land use for projects such as WPPP with significant economic benefits (and for which public environmental assessments, consistent with federal environmental law, have been made) be considered before any land exchange is made. In addition, any transfer of land to private use should include provisions to protect utility corridors that can be used in the public interest.

We are providing a map (Attachment 6) showing the maximum electric transmission corridor alignment angles that can be accommodated without the addition of another extremely costly and massive dead end transmisison tower. We are also suggesting an amendment similar to Attachment 7 be incorporated into S. 2758 which would preserve an adequate utility corridor for the WPPP electric transmission lines and other electric transmission lines proposed for routing through this area. We look forward to meeting with the Committee to resolve this issue which will most assuredly affect the viability of the WPPP and the economic recovery of White Pine County, Nevada.

Attachments

Attachment 1


LEGEND
POWER TRANSMISSION SYSTEM
PREFERRED CORRIDORS
ALTERNATIVE CORRIDORS
MICROWAVE SITE
EXISTING AND PLANNED TRANSMISSION LINES
I.P.P.-GONDER TRANSMISSION LINE
I.P.P. #2
I.P.P. TRANSMISSION LINE
PIOCHE
CALIENTE
NORTH STEPTOE VALLEY SITE
GONDER SUBSTATION
SPRING VALLEY SITE
ELY
BUTTE VALLEY SITE
GONDER-MACHACEK TRANSMISSION LINE
MACHACEK SUBSTATION
LAS VEGAS
McCULLOUGH SWITCHING STATION
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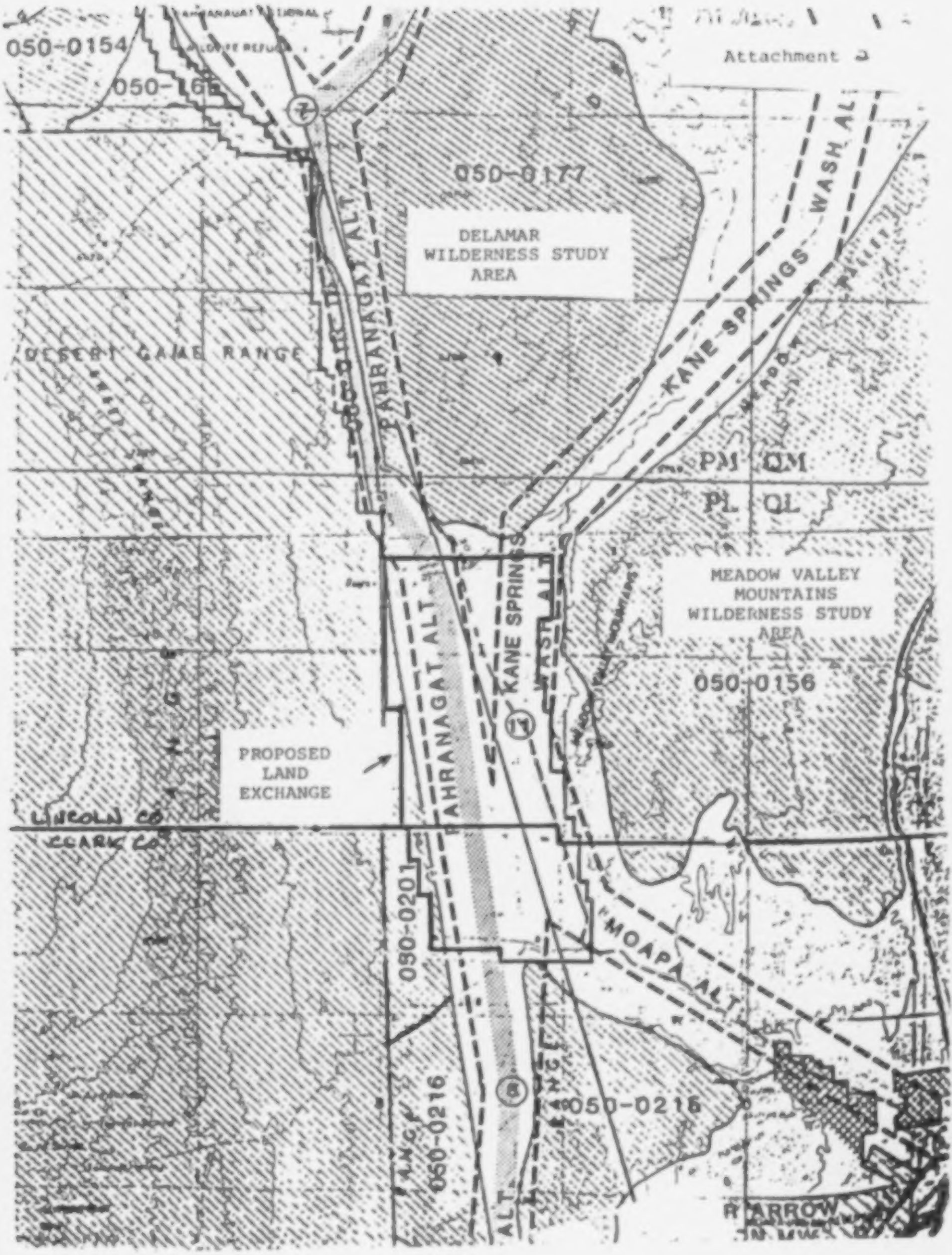
SCALE IN MILES

WHITE PINE POWER PROJECT
ENVIRONMENTAL IMPACT STATEMENT
TRANSMISSION LINE CORRIDORS
POWER TRANSMISSION SYSTEM
NORTH STEPTOE VALLEY SITE


Attachment 2
050-0154
050-166
PAHRANAGAT NATIONAL WILDLIFE REFUGE
050-0177
DELAMAR WILDERNESS STUDY AREA
PAHRANAGAT ALT.
KANE SPRINGS WASH ALT.
DESERT GAME RANGE
PM
QM
PL
QL
MEADOW VALLEY MOUNTAINS WILDERNESS STUDY AREA
050-0156
PROPOSED LAND EXCHANGE
LINCOLN CO
CLARK CO
050-0201
MOAPA ALT.
050-0216
050-0215
ARROW

August 18, 1986

Mr. William P. Horn
United States Fish and
  Wildlife Service
Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Horn:

Proposed Withdrawal of Public Lands
Clark and Lincoln Counties, Nevada

This is to state the concerns of the Los Angeles Department of Water and Power (LADWP), acting on behalf of the White Pine Power Project (WPPP) and the Intermountain Power Project (IPP), regarding the proposed 45,298-acre withdrawal and reservation of public lands in Clark and Lincoln Counties, Nevada. These concerns relate to electric transmission corridors through these lands proposed for withdrawal.

The WPPP and the IPP have completed the federal environmental licensing phase with IPP having just completed construction of one of two of the project's transmission lines. Both projects have approved transmission corridors through the proposed withdrawal area.

The area of the proposed withdrawal is extremely critical from a utility planning viewpoint in that it represents a transmission corridor window created by military reservations, the Desert Wildlife Refuge, and several wilderness study areas. We respectfully request consideration of these two projects' transmission facilities and would like to meet with you to discuss our concerns prior to introduction of legislation authorizing the exchange.

If additional information is needed, or to schedule a meeting, please contact Mr. Edward Karapetian at (213) 481-3250.

Sincerely,

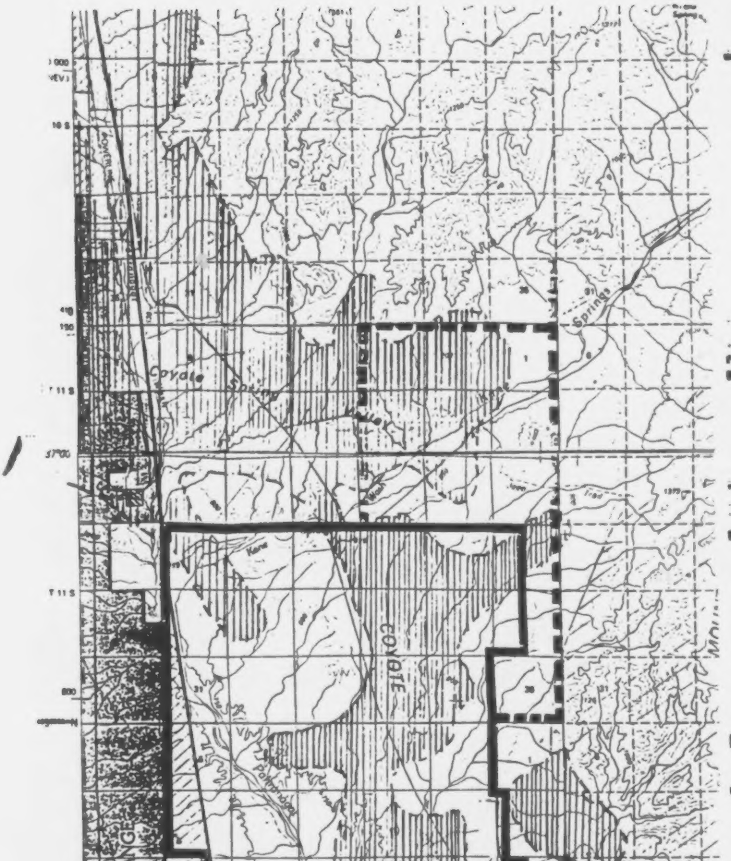
ORIGINAL SIGNED BY
ELDON A. COTTON ksm

ELDON A. COTTON
Assistant Chief Engineer - Power

cc: Aerojet General Corporation
Corporate Headquarters
10300 North Torrey Pines Road
La Jolla, California 92037

Mr. Edward F. Spang, Director
Bureau of Land Management
P.O. Box 12000
Reno, Nevada 89520

Mr. Edward Karapetian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VALLEY
Wash
Dry Well
MEADOW
VALLEY
RANGE
WILDLIFE
RANGE

Attachment 4

November 5, 1985

Mr. Robert N. Broadbent
Assistant Secretary for Water
and Science
U.S. Department of the Interior
Interior Building
Washington, D. C. 20240

Dear Mr. Broadbent:

Corral Canyon Land Exchange

Several months ago we discussed the possibility of a land exchange between the Federal Government and this Department. Recently, Mr. Eldon Cotton agreed to furnish you with additional information regarding property which might be involved in the exchange.

The property owned by this Department, which may be available for exchange with the Federal Government, is located within the Santa Monica Mountains National Recreational Area. The property consists of approximately 98 acres, and we estimate its fair market value in the neighborhood of $2 to $3 million. We would be interested in discussing the exchange of this property for land of equal value suitable for the location of power generation and transmission facilities. Enclosed are Figures 2-7, 2-17, and 2-19 that identify properties needed by the White Pine Power Project that we would be interested in exchanging for the Corral Canyon site. These properties include 325 miles of transmission corridor in a 330-foot right-of-way (Figure 2-7), Federal lands within the 86-mile-long preferred railroad corridor (Figure 2-17), and the 2,250-acre North Steptoe Valley Site (Figure 2-19). Other properties associated with the White Pine Power Project could include well fields and microwave sites. I have also enclosed for your use a map of the Santa Monica Mountains National Recreational Area, with the Corral Canyon site identified in red. I am sure support would be expressed by the California Congressional Representatives for adding the Corral Canyon property to the National Recreational Area, and I am sure supporters of the White Pine Power Project would favor our acquisition of the land needed for that Project.

I would be glad to meet with you and other Interior representatives to discuss this matter further. If you require additional information or would like to schedule a meeting, please contact me at (213) 481-5651 or Mr. Cotton at (213) 481-3203.

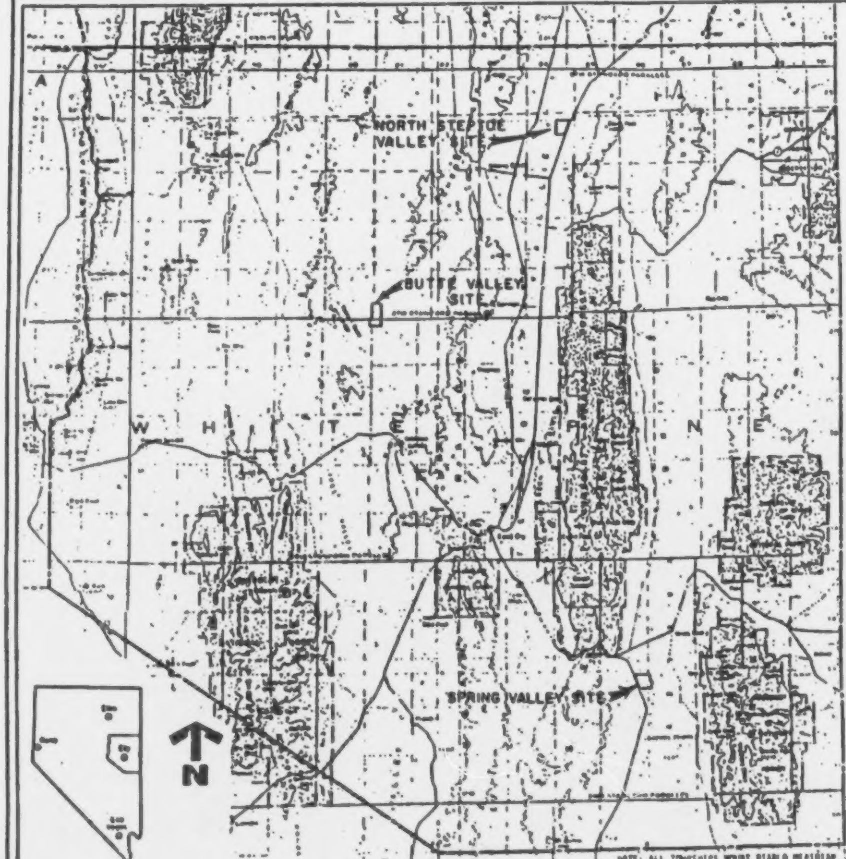
Sincerely,

11-6-85
Sent to
Federal Express

DANIEL W. WATERS
Assistant Chief Electrical Engineer

Enclosures (4)

cc: Mr. Eldon A. Cotton w/encls.



NOTE: ALL TOWNSHIPS MOUNT DIABLO MERIDIAN

LEGAL DESCRIPTION

BUTTE VALLEY SITE

TOWNSHIP 20 NORTH, RANGE 60 EAST – THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 1

TOWNSHIP 20 NORTH, RANGE 61 EAST – THE NORTH $\frac{1}{2}$ OF SECTION 5 AND NORTHWEST $\frac{1}{4}$ OF SECTION 6

TOWNSHIP 21 NORTH, RANGE 60 EAST – THE EAST $\frac{1}{2}$ OF SECTION 25 AND THE EAST $\frac{1}{2}$ OF SECTION 26

TOWNSHIP 21 NORTH, RANGE 61 EAST – THE WEST $\frac{1}{2}$ OF SECTION 30 AND THE WEST $\frac{1}{2}$ OF SECTION 31.

NORTH STEPTOE VALLEY SITE

TOWNSHIP 24 NORTH, RANGE 64 EAST – SECTION 2, THE EAST $\frac{1}{2}$ OF SECTION 3 AND 10, AND THOSE PORTIONS OF SECTIONS 1, 11 AND 12 LYING WESTERLY OF THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 93

SPRING VALLEY SITE

TOWNSHIP 13 NORTH, RANGE 66 EAST – SECTIONS 13 AND 24, AND THOSE PORTIONS OF SECTIONS 14, 15 AND 23 LYING EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 93

TOWNSHIP 13 NORTH, RANGE 67 EAST – THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF SECTION 19, AND THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF SECTION 19

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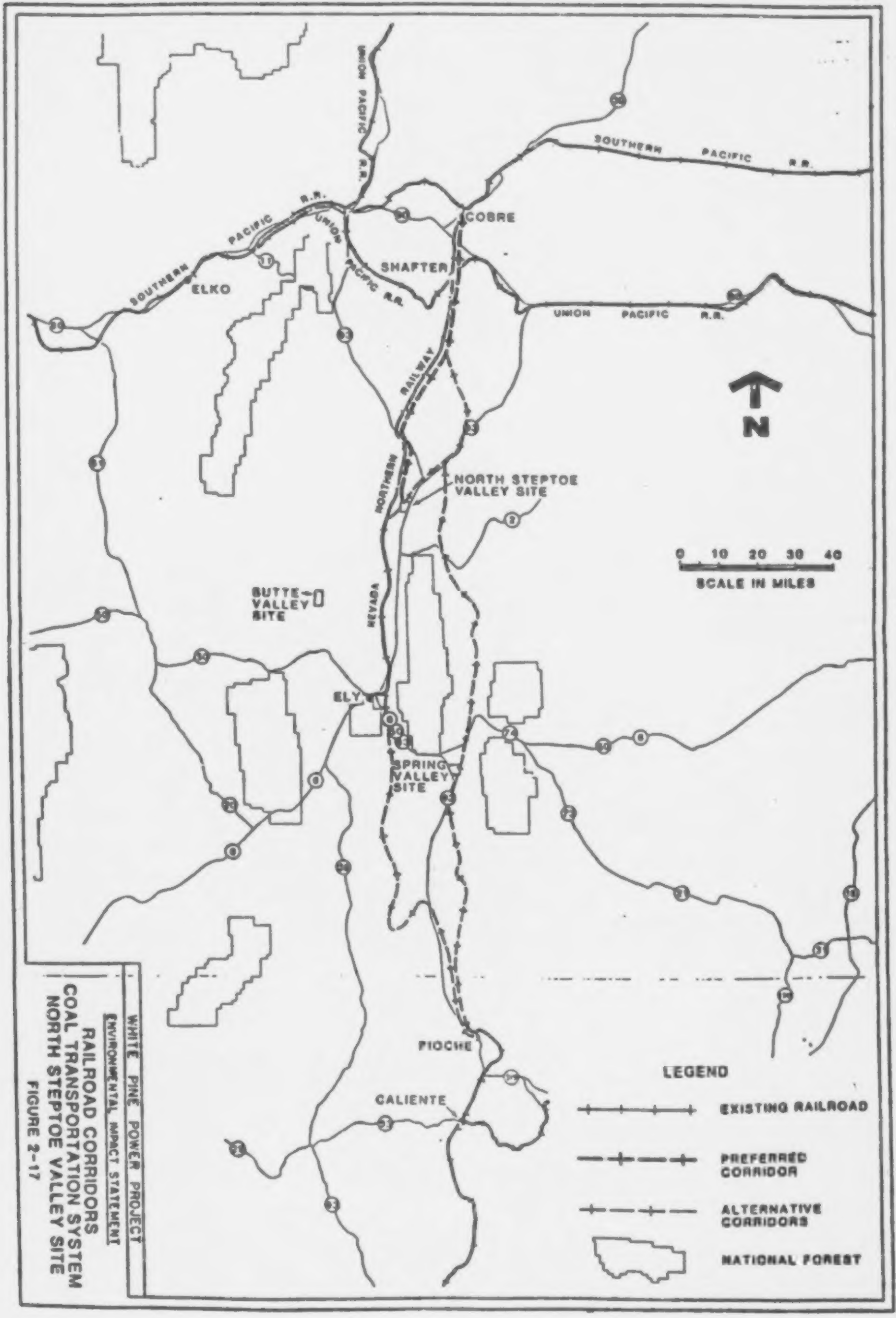
SCALE IN MILES

WHITE PINE POWER PROJECT
ENVIRONMENTAL IMPACT STATEMENT

RECOMMENDED SITES


UNION PACIFIC R.R.
SOUTHERN PACIFIC R.R.
UNION PACIFIC R.R.
SOUTHERN PACIFIC R.R.
COBRE
SHAFTER
ELKO
UNION PACIFIC R.R.
NEVADA NORTHERN RAILWAY
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SCALE IN MILES
BUTTE-VALLEY SITE
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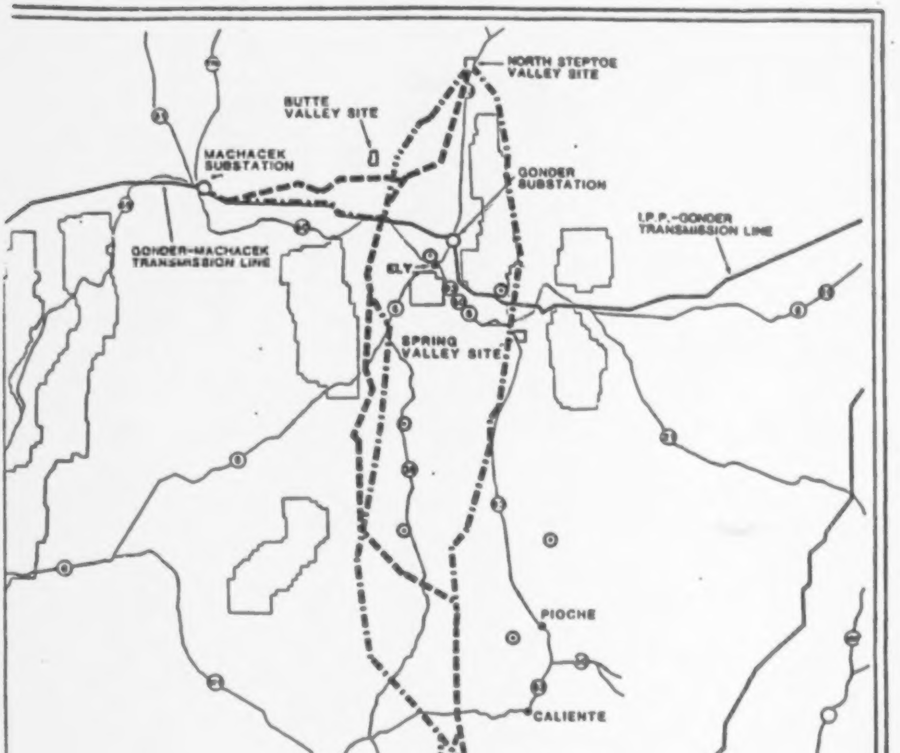
SPRING VALLEY SITE
PIOCHE
CALIENTE
LEGEND
EXISTING RAILROAD
PREFERRED CORRIDOR
ALTERNATIVE CORRIDORS
NATIONAL FOREST

WHITE PINE POWER PROJECT
ENVIRONMENTAL IMPACT STATEMENT
RAILROAD CORRIDORS
COAL TRANSPORTATION SYSTEM
NORTH STEPTOE VALLEY SITE
FIGURE 2-17


NORTH STEPTOE VALLEY SITE
BUTTE VALLEY SITE
MACHACEK SUBSTATION
GONDER SUBSTATION
I.P.P.-GONDER TRANSMISSION LINE
GONDER-MACHACEK TRANSMISSION LINE
ELY
SPRING VALLEY SITE
PIOCHE
CALIENTE
I.P.P. TRANSMISSION LINE
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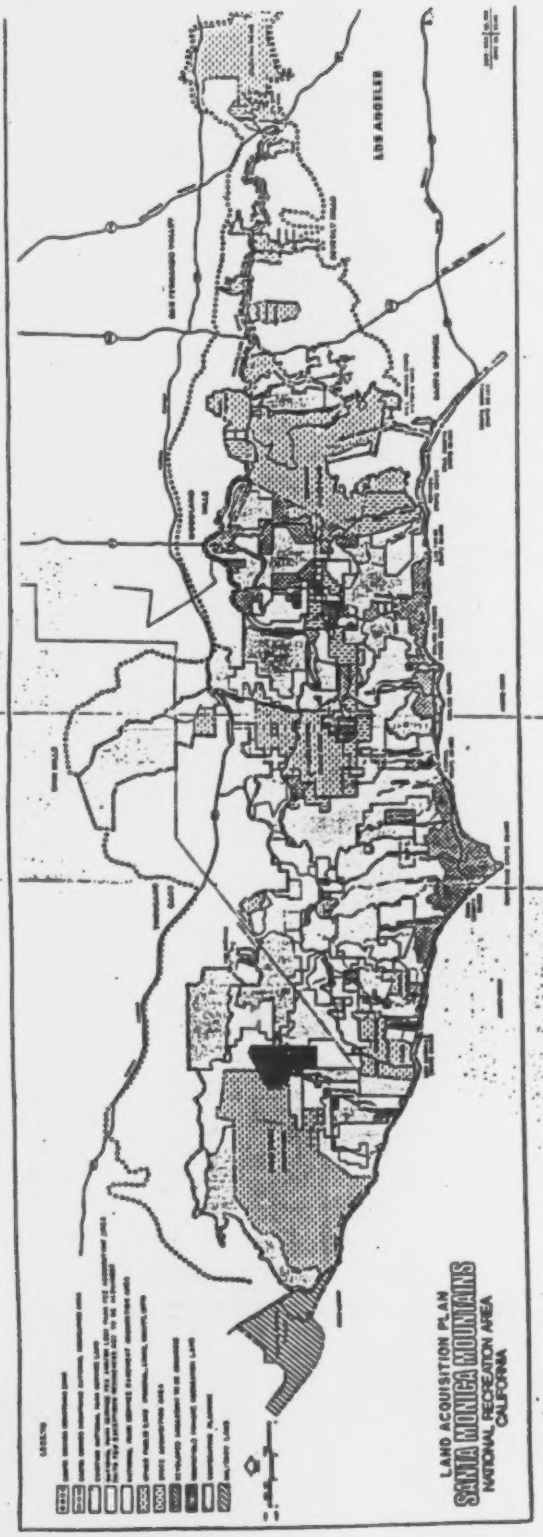
SCALE IN MILES
LAS VEGAS
McCULLOUGH SWITCHING STATION
LEGEND
POWER TRANSMISSION SYSTEM
PREFERRED CORRIDORS
ALTERNATIVE CORRIDORS
MICROWAVE SITE
EXISTING AND PLANNED TRANSMISSION LINES

WHITE PINE POWER PROJECT
ENVIRONMENTAL IMPACT STATEMENT
TRANSMISSION LINE CORRIDORS
POWER TRANSMISSION SYSTEM
NORTH STEPTOE VALLEY SITE
FIGURE 2-7


LEGEND
LAND ACQUISITION PLAN
SANTA MONICA MOUNTAINS
NATIONAL RECREATION AREA
CALIFORNIA
LOS ANGELES

Attachment 5

White Pine Power Project

A Nevada—California energy generation development in White Pine County

Development Manager:
Los Angeles Department of Water and Power
Room 931, Post Office Box 111, Los Angeles, California 90051

September 18, 1986

Mr. Donald P. Hodel
Secretary of the Interior
U.S. Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Hodel:

Proposed Withdrawal of Public Lands
Clark County and Lincoln County, Nevada

This letter is to state the concerns of the Los Angeles Department of Water and Power (LADWP), Development Manager for the White Pine Power Project (WPPP), regarding the proposed 45,298 acre withdrawal of public land in Clark County and Lincoln County, Nevada and the ultimate intent to exchange this land for land in Florida. The LADWP concerns relate to electric transmission corridors within the land to be exchanged. This exchange could seriously impact the proposed WPPP transmission lines, as well as result in closure of the major north-south utility transmission corridor in eastern Nevada.

The WPPP is a proposed 1500 megawatt, coal-fueled generating to be located in eastern Nevada. The construction and operation of this $2.5 billion facility would result in significant economic benefits to the State of Nevada. The LADWP has been working with the Bureau of Land Management (BLM) since 1980 on the routing and environmental assessment of corridors from the proposed WPPP site in White Pine County, Nevada to southern Nevada. The preferred and alternative two-mile-wide corridors are included in the WPPP Final Environmental Impact Report (EIS) which was released on August 20, 1984. The Record of Decision, which culminated six years of intensive coordinated work with federal agencies, was signed by the BLM Nevada State Director on March 26, 1985.

A critical segment of the preferred transmission corridor, as described in the WPPP Final EIS, is located east of the Delamar Mountains. The alternative to this segment, located near the Pahranagat Wildlife Refuge, is currently constrained by Wilderness Study Area (WSA) boundaries. Should the WSA boundaries be modified, as requested in several letters to the BLM, the new preferred corridor would be to the west of the Delamar Mountains and parallel to existing and planned transmission lines, including a second

Intermountain Power Project transmission line which has been previously evaluated by the BLM. The proposed land exchange, however, would preclude the use of either WPPP corridor and would result in no path for transmission of electricity from WPPP.

The above concerns have been conveyed to the U.S. Fish and Wildlife Service (USFWS) by enclosed letter dated August 18, 1986. To date, USFWS has not provided any provisions for allowance for issuance of rights-of-way for WPPP corridors within the land to be exchanged. In addition, the current proposed legislation (HR5435 and S2758) does not contain any provisions for previously evaluated corridors. It should also be noted that LADWP has also suggested certain land exchanges, including land in this area, as discussed in the enclosed letter dated November 5, 1985 to your department.

It is requested that public land use for projects such as WPPP with significant economic benefits (and for which public environmental assessments, consistent with federal environmental law, have been made) be considered before any land exchange is made. In addition, any transfer of land to private use should include provisions to protect corridors that can be used in the public interest.

Your attention in this matter is appreciated. If additional information is needed, please contact me at (213) 481-5651.

Sincerely,

ORIGINAL SIGNED BY
ELDON A. COTTON 9-18-86

ELDON A. COTTON
Project Manager

Enclosures

cc: w/Enclosures
Mr. Robert F. Burford, BLM
Mr. William P. Horn, USFWS
Mr. Edward F. Spang, Director, Nevada BLM
Mr. John Lampros, Chairman, White Pine County Commission

August 12, 1986

Mr. William P. Horn
United States Fish and
Wildlife Service
Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Horn:

Proposed Withdrawal of Public Lands
Clark and Lincoln Counties, Nevada

This is to state the concerns of the Los Angeles Department of Water and Power (LADWP), acting on behalf of the White Pine Power Project (WPPP) and the Intermountain Power Project (IPP), regarding the proposed 45,298-acre withdrawal and reservation of public lands in Clark and Lincoln Counties, Nevada. These concerns relate to electric transmission corridors through these lands proposed for withdrawal.

The WPPP and the IPP have completed the federal environmental licensing phase with IPP having just completed construction of one of two of the project's transmission lines. Both projects have approved transmission corridors through the proposed withdrawal area.

The area of the proposed withdrawal is extremely critical from a utility planning viewpoint in that it represents a transmission corridor window created by military reservations, the Desert Wildlife Refuge, and several wilderness study areas. We respectfully request consideration of these two projects' transmission facilities and would like to meet with you to discuss our concerns prior to introduction of legislation authorizing the exchange.

If additional information is needed, or to schedule a meeting, please contact Mr. Edward Karapetian at (213) 481-3250.

Sincerely,

ORIGINAL SIGNED BY
ELDON A. COTTON

ELDON A. COTTON
Assistant Chief Engineer - Power

cc: Aerojet General Corporation
Corporate Headquarters
10300 North Torrey Pines Road
La Jolla, California 92037

Mr. Edward F. Spang, Director
Bureau of Land Management
P.O. Box 12000
Reno, Nevada 89520

Mr. Edward Karapetian

November 5, 1985

Mr. Robert N. Broadbent
Assistant Secretary for Water
and Science
U.S. Department of the Interior
Interior Building
Washington, D. C. 20240

Dear Mr. Broadbent:

Corral Canyon Land Exchange

Several months ago we discussed the possibility of a land exchange between the Federal Government and this Department. Recently, Mr. Eldon Cotton agreed to furnish you with additional information regarding property which might be involved in the exchange.

The property owned by this Department, which may be available for exchange with the Federal Government, is located within the Santa Monica Mountains National Recreational Area. The property consists of approximately 98 acres, and we estimate its fair market value in the neighborhood of $2 to $3 million. We would be interested in discussing the exchange of this property for land of equal value suitable for the location of power generation and transmission facilities. Enclosed are Figures 2-7, 2-17, and 2-19 that identify properties needed by the White Pine Power Project that we would be interested in exchanging for the Corral Canyon site. These properties include 325 miles of transmission corridor in a 330-foot right-of-way (Figure 2-7), Federal lands within the 86-mile-long preferred railroad corridor (Figure 2-17), and the 2,250-acre North Steptoe Valley Site (Figure 2-19). Other properties associated with the White Pine Power Project could include well fields and microwave sites. I have also enclosed for your use a map of the Santa Monica Mountains National Recreational Area, with the Corral Canyon site identified in red. I am sure support would be expressed by the California Congressional Representatives for adding the Corral Canyon property to the National Recreational Area, and I am sure supporters of the White Pine Power Project would favor our acquisition of the land needed for that Project.

I would be glad to meet with you and other Interior representatives to discuss this matter further. If you require additional information or would like to schedule a meeting, please contact me at (213) 481-5651 or Mr. Cotton at (213) 481-3203.

Sincerely,

[illegible]

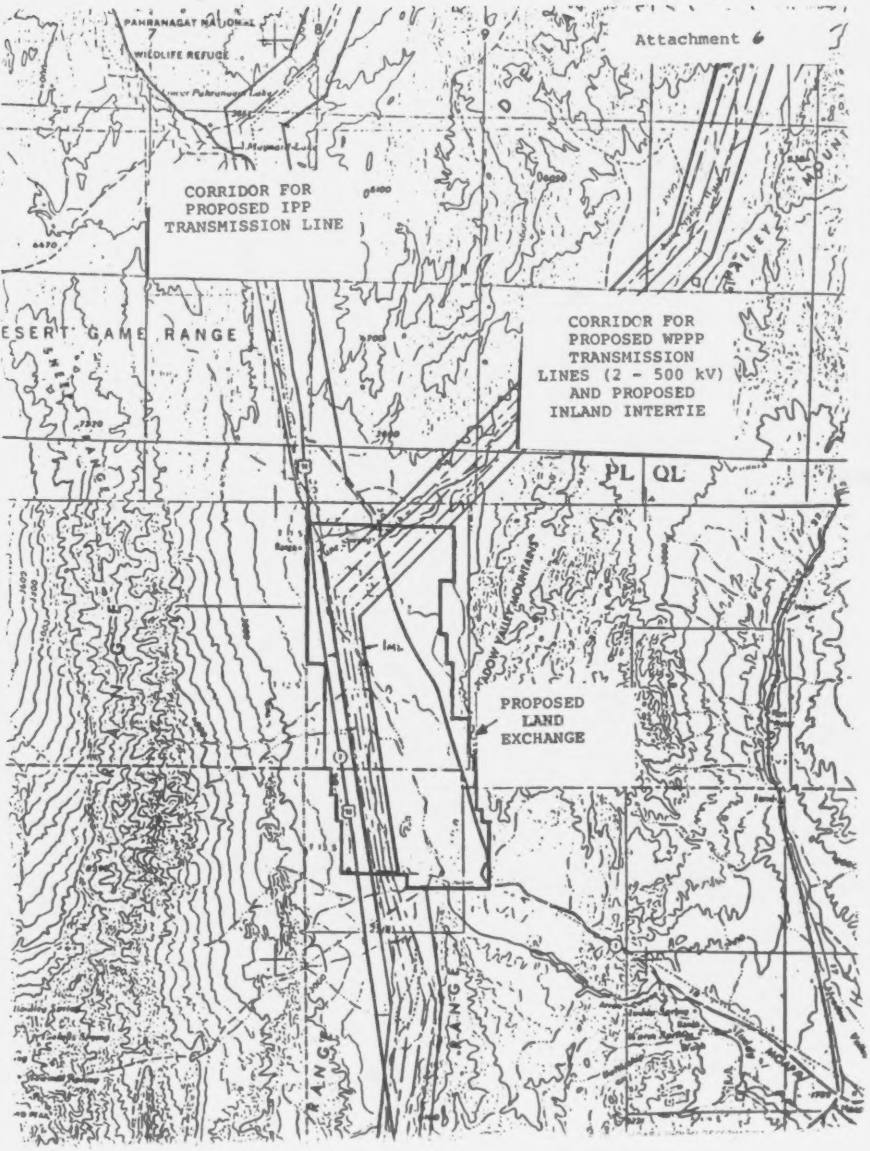
11-6-85 Sent to Federal Express

DANIEL W. WATERS
Assistant Chief Electrical Engineer

Enclosures (4)

cc: Mr. Eldon A. Cotton w/encls. ✓

Attachment 6


PAHRANAGAT NATIONAL
WILDLIFE REFUGE
CORRIDOR FOR PROPOSED IPP TRANSMISSION LINE
ESERT GAME RANGE
CORRIDOR FOR PROPOSED WPPP TRANSMISSION LINES (2 - 500 kV) AND PROPOSED INLAND INTERTIE
PL
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PROPOSED LAND EXCHANGE
RANGE
RANGE

Attachment 7

Section__________ The exchange of lands under this Act shall be subject to the reservation to the United States of rights-of-way for a transportation and utility corridor two miles in width extending through all or portions of the following lands: SECS. 20-23; SECS. 26-29; SECS. 32-33; T.11S., R.63E., and SECS. 4-5, T. 12S., R.63E., M.D.B.M., and a transportation and utility corridor one mile in width, extending one mile east of the centerline of Nevada State Highway 93 for the entire length of that Highway through the transferred lands.

The rights-of-way, subject to the provisions of the succeeding sentence, shall be administered by the Secretary of the Interior, who may grant rights-of-way over, upon, under, or through, the lands described in the preceding sentence only for such transportation or other systems or facilities as required for the construction, operation, and maintenance of transportation and utility corridors consistent with Title V of the Federal Land Policy and Management Act of 1976.

The Secretary of the Interior may transfer certain lands within the rights-of-way reserved under this Section to the Los Angeles Department of Water and Power necessary for the construction of the two White Pine Power Project electric transmission lines and the Intermountain Power Project Line 2, consistent with Title II of the Federal Land Policy and Management Act of 1976.

Senator HECHT. Thank you.

I think it was Senator Laxalt, who said there would be an amendment in regards to the power corridor. There is a corridor that has been discussed between Energy and Sierra Pacific. We have not been able to wholly evaluate that corridor as yet, but it certainly is something we can look at and respond to.

This is from Senator Laxalt's statement:

> In connection with this measure, I submit for the consideration of the Committee an amendment for the Sierra Pacific Power Company to provide for necessary right of way to the proposed Nevada portion of the exchange. I ask that the Committee give the request careful attention.

Mr. BOCK. Right. One of the things we discussed in our environmental assessment is north of the land exchange area there are potential wilderness areas that could preclude continuation of the transmission corridor north of the exchange area so that the transmission corridor that Senator Laxalt referred to may be precluded by wilderness area, designation of areas north of the project area.

We are aware of that and we have an alternative route through the exchanged land area that would make it possible to circumvent the wilderness areas.

Senator HECHT. We do not have a wilderness bill in the State of Nevada. We have to get together and deal with the Forest Service and with BLM and we have to address the Park Service. There are many areas that could be potential wilderness, but you have to go ahead with your plan for a corridor. You cannot worry about what might be in the future.

Mr. BOCK. Perhaps one of the things is having this bill recognize that possibility.

Senator HECHT. Okay. We will take you up on it.

Mr. BOCK. Thank you.

Senator HECHT. Governor Manuel Salas of Pueblo of Zia, accompanied by Councilman, Antonio Lucero, Peter Pino and Lamar Parrish.

STATEMENT OF LAMAR PARRISH, ATTORNEY FOR THE PUEBLO OF ZIA; ACCOMPANIED BY HON. MANUEL SALAS, GOVERNOR; ANTONIO LUCERO, COUNCILMAN AND RELIGIOUS LEADER; AND PETER M. PINO, ADMINISTRATOR

Mr. PARRISH. May it please the Chair, the Governor has asked me to introduce the delegation, if that is permissible.

Senator HECHT. Of course. If you will identify yourself.

Mr. PARRISH. My name is Lamar Parrish. I am the attorney for the Pueblo. We are here to speak on behalf of Senate Bill 2599 which would restore 1,840 acres of the ancestral land of the Pueblo to the United States in trust for the Pueblo.

To my left is Honorable Manuel Salas, the Governor, to his left is honored councilman and religious leader, Antonio Lucero and Mr. Peter Pino at the extreme left is the top administrator.

We are mindful of the time. We will be brief. We would like to submit copies of an anthropological study by Dr. Florence Ellis, Professor Emeritus of the University of New Mexico, setting out the aboriginal nature of Zia's connection with this land and religious and traditional uses of the land.

Senator **Hecht**. It will be made part of the files.[1]

Mr. **Parrish**. May I call on Governor Salas.

STATEMENT OF HON. MANUEL SALAS, GOVERNOR, PUEBLO OF ZIA

Governor **Salas**. Thank you.

My name is Manuel Salas, Governor of Pueblo of Zia. I appreciate the honor of coming before you and I thank you.

I am asking that part of our aboriginal land, 1,844 acres, be officially turned over to Pueblo of Zia and the U.S. Government in trust for Zia.

Briefly, we have the New Mexico Congressional delegation that supports this and the Sandoval County Commission is in favor of it and our tribal council are in favor of it. That is all we are here to request. Any way we can get a little portion of the land back which was originally ours.

This completes my brief statement. I have my formal statement I would like to submit for the record.

Senator **Hecht**. It will be part of the record.

[The prepared statement of Governor Salas follows:]

---

[1] The study was retained in subcommittee files.

PHONE (505) 867-3304

PUEBLO OF ZIA

IN REPLY REFER TO:

SAN YSIDRO, NEW MEXICO 87053

STATEMENT OF
MANUEL SALAS, GOVERNOR OF PUEBLO OF ZIA, IN SUPPORT OF S.B. 2599

September 19, 1986

I am Manuel Salas, the present Governor of the Pueblo of Zia. I appreciate the honor of testifying before this Committee today. I am asking that a part of our aboriginal land, some 1840 acres, be officially recognized as being owned by the United States of America for the Pueblo of Zia. Some points which support our request are these:

The Pueblo utilized its own funds from its modest coffers to acquire rights to this land.

This action would consolidate our reservation land and provide the Pueblo with more opportunities to better itself economically through the use of its lands.

Certain BIA services not presently available would be made available if the land were declared reservation land. Also, the status of jurisdiction would be clarified. The land in question is surrounded by Zia reservation land.

The Tribal Council of our Pueblo unanimously supports this action. The All Indian Pueblo Council similarly supports this proposed legislation.

We are most pleased that the Sandoval County Commission strongly supports this legislation and, with the permission of the Chairman, we would like to submit a copy of this Resolution.

Although officially BLM land, this land is our aboriginal land, the land of our ancestors. We presently use sites within the area for religious and traditional purposes, and we need to be in a position to protect those uses. We would like to submit a study done by Dr. Florence Hawley Ellis, Professor Emeritus of the University of New Mexico, setting out this.

Thank you, Mr. Chairman.

Governor **Salas**. I would like to turn it over to my tribal member, Antonio Lucero.

Senator **Hecht**. Of course.

STATEMENT OF ANTONIO LUCERO, COUNCILMAN AND RELIGIOUS LEADER, PUEBLO OF ZIA

[Mr. Lucero presents his oral statement in his native language.]

Senator **Hecht**. You will have to send a translation of those remarks for the record.

Mr. **Parrish**. Can we do this later, Mr. Chairman?

Senator **Hecht**. Of course. The record will remain open for a week.

Mr. **Parrish**. It won't take a week.

Senator **Hecht**. Thank you for making the long trip out here.

STATEMENT OF PETER M. PINO, ADMINISTRATOR, PUEBLO OF ZIA

Mr. **Pino**. Mr. Chairman, good morning.

My name is Peter M. Pino. I am tribal treasurer and administrator for Pueblo Zia. I have held these positions since 1977 and have served in varying different capacities with the Tribal Council since 1971.

The Pueblo Zia is a small Indian Pueblo located in Sandoval County, New Mexico, 40 miles northwest of Albuquerque, between Bernilillo and San Ysidro along New Mexico Highway 44. It shares common reservation boundaries with Santa Ana Pueblo to the east and with Jemez Pueblo to the northwest.

The people of Zia have lived in the same areas since 1300 A.D. when our ancestors were forced by increasing drought to move from the San Juan River Basin to the present location. The native language is still spoken by the people and we still follow the traditional form of government.

So, among the many reasons and justifications for the request is historical usage, consolidation of land, and, as Antonio Lucero stated, preservation of religion and culture. The Tribal Council is interested in the welfare of its people and preservation of its religion and culture.

The area in question contains several religious shrines and areas sacred to us Zia. Because these places mean a great deal to the Pueblo people, we visit them regularly, though usually secretly.

It saddens my elders and people that this place no longer actually belongs to us. Worse, some shrines have been looted by non-Indians who have little knowledge of our ways.

The area contained white, black and red paints used to paint the human body for their certain dances and ceremonies. The same paint is also used to paint pottery. Zia is well known for its production of fine Pueblo pottery.

The other is control of land. The other justification we have is that the effects of the transfer will not alter the tax status of any land. Neither would the rights of any adjacent land owners be impaired, nor would the use of any existing roadways and utility services be impeded.

The people of Zia would appreciate consideration of this bill and hopefully passage of this bill before the conclusion of this session.

The Pueblo people of Zia also send to this Committee, the Senate as a whole, the Congress as a whole and the President of the United States its good wishes and success in the many issues confronting this Nation as a whole. The Pueblo leadership, the elders, always and forever keep the welfare of this Nation in their prayers.

We wish this Committee and the Senate success in all the different issues that confront them presently.

Thank you. That concludes my statement. If there are any questions, we are here to answer any that you may have.

Senator HECHT. No, thank you. Those are very helpful remarks. We will be working with your Congressional people from your own state on that, Senator Domenici and Senator Bingaman.

Thank you all for appearing.

[The prepared statements of Ms. Warren and Aerojet General follow:]

TESTIMONY OF ELIZABETH WARREN IN RE S. 2698
NATIONAL FORESTS OF NEVADA ENHANCEMENT ACT OF 1986
SENATE SUB-COMMITTEE ON PUBLIC LANDS
AND RESERVED WATERS
WASHINGTON, D.C., SEPTEMBER 19, 1986

I am Elizabeth Warren, a long time resident of Las Vegas, Nevada. I submit this testimony to you in support of S. 2698, a bill to enhance the national forests of Nevada.

I support the additions to the National Forests because I know the lands in question will benefit from the professional, multiple-use management of the U.S. Forest Service. The lands in question are contiguous with existing National Forests and contain important natural resources which are in need of better management. Public hearings in Nevada in 1985 clearly reflected the strong feeling of the citizens of our state that these areas should be administered by the U.S. Forest Service for the benefit of the land, the wildlife, and the people. I testified to that point in the Nevada hearings on the so-called "land swap" and am happy to repeat this stand in support of S. 2698.

In particular, I wish to dicuss the areas best known to me personally, Mt. Potosi and Lovell Canyon. These proposed additions are long overdue for inclusion in the southern portion of the Toiyabe National Forest.

Lovell Canyon, on the southwest slopes of Mt. Charleston, contains important watershed which is in great need of better management. Existing problems in respect to illegal and destructive road construction by owners of private lands in the area would be better controlled and there is greater potential for correction and reversal of the damage if these lands were placed under the administration of the Forest Service. The Forest Service was established to correct deterioration of lands which resulted from poor management; I am confident the Forest Service will have both the expertise and resources to reverse the damage occurring in this area and return the land to the high quality watershed and wildlife habitat it was formerly. If this area is not placed with the Forest Service, the present rate of deterioration will continue unabated, and the people of our nation, and of our state, will have lost an valuable resource which will take hundreds of years to restore.

Mt. Potosi is the southernmost portion of the Spring Mountain Range in Nevada. The range continues into California, where it culminates in the massive Clark Mountain. Clearly it is logical to place the forests of Mt. Potosi in the same high level of protection as the forests of Mt. Charleston and Mt.

Sterling, the two other mountains which comprise the range in Nevada. Mt. Potosi is a major feature of the range and constitutes a major area of watershed that must be administered to protect its irreplaceable resources. Little attention is now paid to this important area.

Mt. Potosi holds a variety of treasures for the nation and for Nevada. The importance of the watershed cannot be overstated in a state that is so arid. With the exploding population in Clark County, and corresponding rapid growth in Pahrump Valley of adjacent Nye County, the pressures placed on this watershed are enormous. We must take every precaution possible to ensure that this land is managed to provide the best protection. Twenty-five percent of the water for thirsty Las Vegas Valley comes from the watershed of the Spring Mountain Range. In burgeoning Pahrump Valley, where all water is taken from wells, one hundred percent of the water needed is taken from groundwater supplies replenished by the watersheds of the Spring Mountain Range. Water for the tiny communities of Goodsprings and Sandy Valley, on the southeast slopes of Mt. Potosi, is also one hundred percent groundwater, drawn from individually drilled wells. The Nevada State Prison and the community at Jean, Nevada, also draw their water from wells drilled into the aquifer fed by Mt. Potosi watershed. Management of this watershed is critical to the continued survival of these communities.

Since 1972 I have owned a home in the town of Goodsprings. I lived in that community for a number of years, and still take the opportunity of hiking the hills and canyons of Mt. Potosi. Over the years, I have watched with dismay the deteriorating conditions of the land, thoughtlessly damaged by indiscriminate use of off road vehicles, by illegal woodcutting and Christmas tree taking, and by small mining operations which are conducted under management policies that do not require the land to be restored after the extraction of the ores.

I have seen the results of neglect of the important historical and archaeological sites found on Mt. Potosi: the Potosi townsite, oldest ghost town in Nevada (founded 1856, abandoned 1857), and extraordinary petroglyph sites being vandalized by indiscriminate camping and sometimes by deliberate destruction. These resources cannot be replaced. No one can grow a new historical site to replace one that has been destroyed. We must correct these abuses, provide a greater measure of protection and care than now offered to these important resources.

In this regard, I cannot tell from the map accompanying S. 2698 the boundary of the Mt. Potosi area proposed for addition to the Toiyabe National Forest. I am therefore attaching a portion of the topographical maps of the area and have marked on these maps the minimal boundary which would protect these historical and archaeological resources. I request that this suggested minimal boundary be adopted to ensure that the goals of this land transfer are fully met.

Thank you for the opportunity of submitting this testimony in support of S. 2698. I urge your full, unqualified support of this transfer of lands to the U.S. Forest Service. It is most clearly in the best interests of our nation, our land, and our people that the Spring Mountain Range in Nevada be managed as National Forest.

Elizabeth Warren
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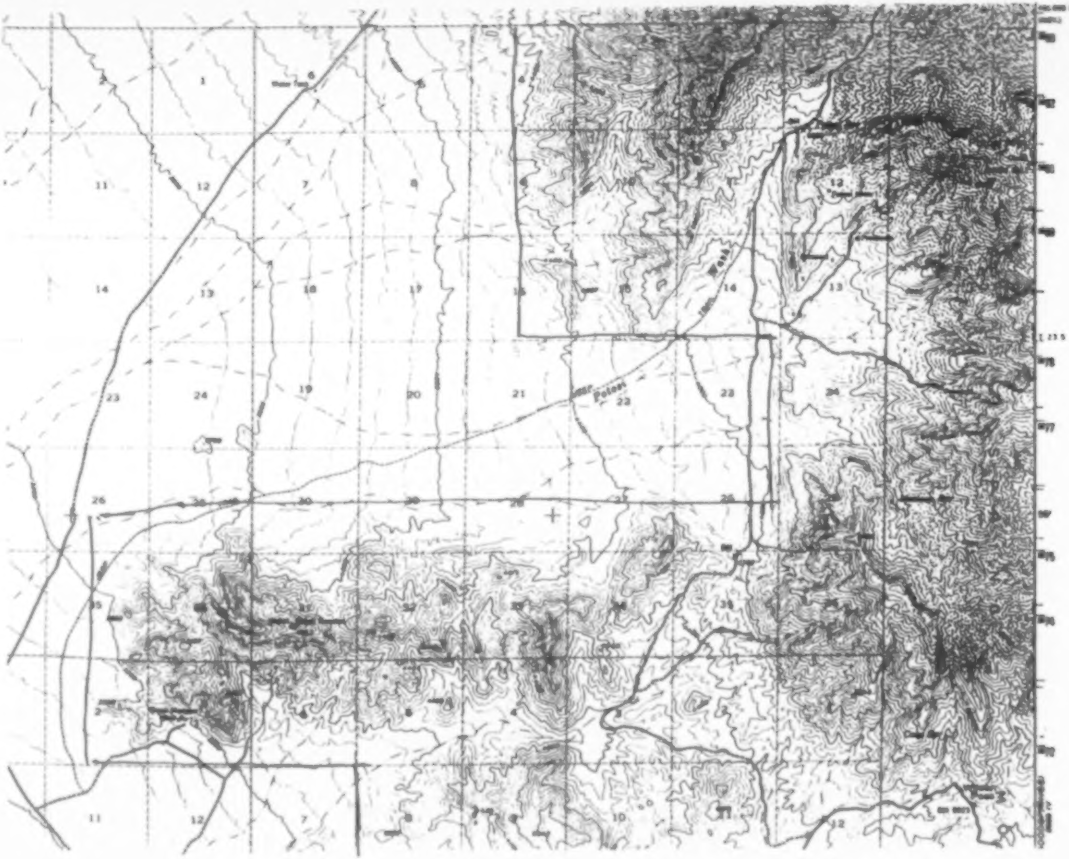
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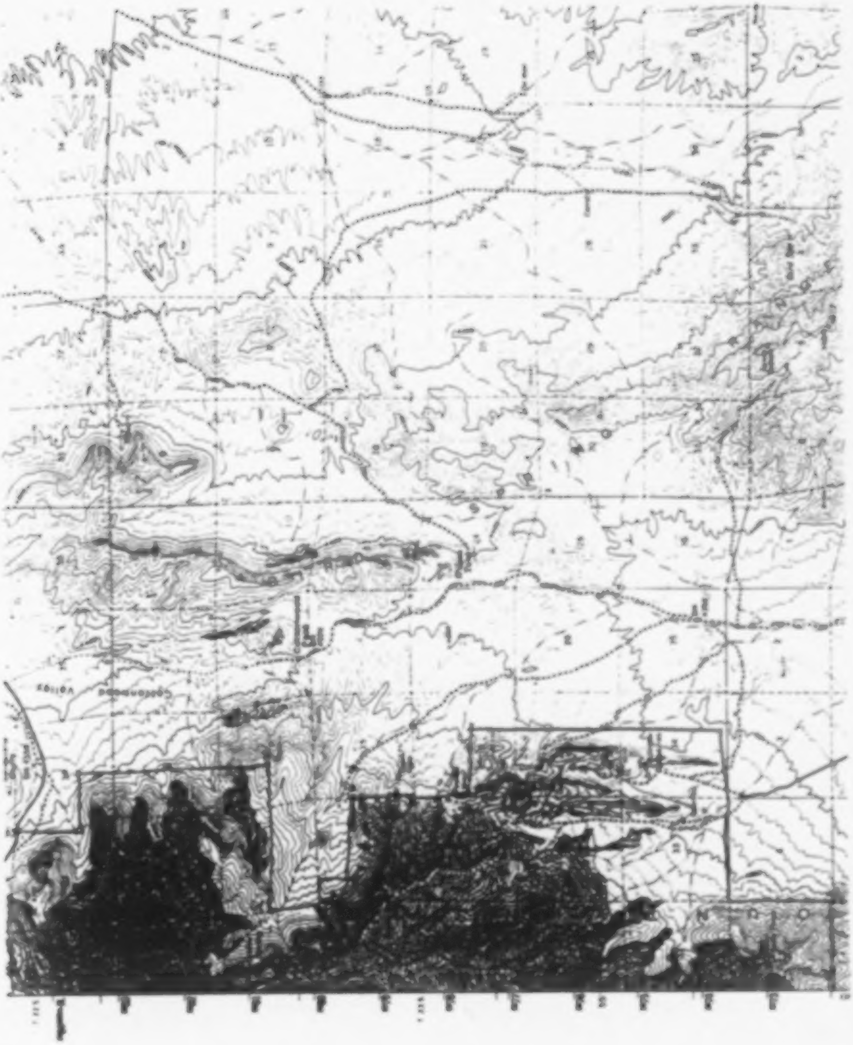

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AEROJET
GENERAL

A GenCorp Company

TESTIMONY BEFORE THE PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION COMMITTEE REGARDING SENATE BILL S.2758 AS "NEVADA/FLORIDA LAND AUTHORIZATION ACT OF 1986"

The Aerojet General Corporation desires to exchange Aerojet property in the state of Florida for United States Government property in the state of Nevada.

The exchange property in Florida (approximately 4,460 acres) is adjacent to the Everglades National Park. Aerojet has previously donated 33,000 adjacent acres to the state of Florida and has sold approximately 17,000 adjacent acres at a price below market value, to the Trust for public land. The 17,000 acres was in turn conveyed to the South Florida Water Management District and to the Florida State Fish and Wildlife Department for enhancement of environmental quality.

This general area, east of the Everglades National Park offers a wide habitat diversity with approximately 350 species of birds, mammals, reptiles, amphibians and fishes observed. Land to the south and east of the exchange property is home to a number of endangered species, including the bald eagle, crocodile and the manatee. The Aerojet lands are also adjacent to the Cape Sable Sparrow critical habitat whose protection will be increased by this exchange.

The United States Government lands which Aerojet wishes to acquire in the state of Nevada are situated in Garfield Flats, near Hawthorne, (approximately 8,910 acres) and in Clark and Lincoln counties (approximately 41,000 acres) some 60 miles North of Las Vegas.

The lands in Garfield Flats surround the lands currently owned by Aerojet. Aerojet has used this site in the past to conduct ordnance testing and plans to continue this usage. There are no negative impacts anticipated as a result of this usage in the expanded land area.

Aerojet plans to use the lands in Clark and Lincoln counties as a future site for the manufacture of solid rocket motors. The Lincoln County area has experienced a significant down turn in it's economy for the past several years. Location of an Aerojet manufacturing plant in this area should result in a positive impact to this economically depressed county. There is strong local support for this exchange.

The predominant use of this property will be as a buffer zone for the actual plant site. We anticipate that land disturbance will not exceed approximately 0.5% of the 41,000 acres.

Environmental issues associated with the Nevada land have been extensively studied. The U.S. Government performed an impact study in the early 1980's for the possible placement of a defense facility. This study and all other pertinent state, local and Federal Government materials have been used in the preparation of the Environmental study submitted with this testimony. We are confident that the identified mitigation measures adequately address all valid concerns.

In summary, Aerojet believes that there will be a positive benefit in Florida and in Nevada resulting from the proposed land exchange.

Enclosures:
1) Executive Summary of Environmental Assessments "Coyote Springs Valley"
2) Executive Summary of Environmental Assessments "Garfield Flats"

EXECUTIVE SUMMARY

Recently, legislation was introduced into both houses of Congress which authorizes the exchange of public land in Nevada for privately owned lands of equal value in Florida.

Under the exchange, Aerojet General Corporation will exchange approximately 4,800 acres of land owned in Florida for approximately 54,000 acres of public land under Bureau of Land Management administration. The Nevada land is located at two sites, Coyote Spring Valley and Garfield Flat, Nevada.

This document provides an environmental assessment of Aerojet's proposed project on the Coyote Spring Valley site. A second document titled "Department of Interior - Aerojet General Corporation, Florida - Nevada Land Exchange Environmental Assessment of Garfield Flat" is also available.

The environmental assessment provides a description of the Aerojet proposed project and land use of the Coyote Spring exchange area. Aerojet's proposed activities were evaluated with respect to specific issues identified under three resource categories: socioeconomic, physical-biological, and cultural. Federal and state agencies, and private parties assisted in the identification of the specific issues reviewed and critical reference literature utilized in the analysis.

Site Description

The Coyote Spring Valley exchange area covers approximately 45,000 acres. The exchange area is located in southeastern Nevada, approximately 60 miles northwest of Las Vegas, Nevada. The exchange area is under BLM administration and contains no privately owned land with the exception of highway rights-of-way and utility easements. The entire valley is uninhabited. The climate is typical of the arid desert in that it demonstrates hot summers and temperate winter temperature, and receives less than 8 inches of precipitation annually.

Project Description

Process

Aerojet proposes to construct solid rocket motor manufacturing assembly and static test facilities for new business in the Coyote Spring Valley exchange area. The solid rocket motors are manufactured and assembled in four (4) basic process steps:

1. Preparation of propellant;
2. Preparation of rocket motor inert parts to contain propellant;

3. Preparation of parts for rocket motor ignition system; and,

4. Final assembly of complete rocket motor.

The manufacturing and assembly facilities would be constructed in three phases (I, II and III), with each phase containing essentially the same facility components. Each phase requires the construction of 18 to 20 buildings covering approximately 110,700 square feet or 2.6 acres. The cumulative land disturbance of all project phases, including roads, during the construction period and operations period of the project is 225 acres and 81 acres, respectively. These land disturbance represents approximately 0.18 percent and 0.5 percent of the exchange area under each respective activity.

Land Use

Security for Phase I, II, and III facilities, the magazine area, and the static rocket test facilities will be provided by fencing and security personnel and will contain approximately 3 square miles of the exchange area's 75 square mile total. The remainder of the exchange area will be posted "No Trespassing" and will be patrolled by security personnel. This will restrict the general public access to the exchange area, however, federal and state agencies and private parties will be afforded limited access to specific areas, as required, to perform agency duties and functions. No firearms and no recreational activities will be allowed within the exchange area boundary. The 45,000 acres of Coyote Spring Valley provides Aerojet with the buffer zone required to implement the land use restrictions required for the safety of the general public and the security of the project.

Aerojet proposes to utilize abandoned Highway 93, which traverses the exchange area, as the primary arterial to the project facilities. Access roads to the individual facilities will be constructed from this abandoned highway.

Use of abandoned Highway 93 reduces the land disturbance required of the project. Land disturbance is further reduced by construction of utilities within these roadway corridors. These disturbed areas will be revegetated following construction of each phase.

Water Phase

The proposed project will require a cumulative water use, for all phases, of approximately 1.2 million gallons per day average and 2.0 million gallons per peak day. The water supply may originate from two separate sources: groundwater within Coyote Spring Valley; or surface water from Pahranagat Valley, approximately 25 miles north of the exchange area. The use of groundwater within the exchange area is Aerojet's desired water source. Aerojet has filed water right applications with Nevada Division of Water

Resources for 4,000 acre feet per year (1,034 million gallons) of groundwater. These applications are pending State action. The Pahranagat Valley water source is under review for the identification of potential sources. Further pursuit of this alternative will be held in abeyance pending final action by the Division of Water Resources on the groundwater applications.

Waste

The solid rocket motor manufacturing and assembly facility will generate waste water, hazardous materials, and some air pollutants. It is estimated the project will produce waste water from the boilers, cooling towers, miscellaneous processes, and domestic use that total approximately 190,000 gallons per day for all phases. Hazardous materials generated are identified as pyrotechnics, explosives, and propellants (PEP), 1-1-1 trichloromethane, Freon 113, and silver solutions. Air pollutants of concern are typical of vehicle exhaust such as nitrous dioxide and carbon monoxide, and rocket motor exhaust such as HCl and AlO_2. These water quality, air quality, and hazardous materials will be controlled in a manner consistent with applicable USEPA, Nevada Division of Environmental Protection, and local Health Division regulations. Compliance with the regulations will mitigate these environmental issues consistent with public health, welfare, and environmental concerns.

Environmental Analysis and Mitigation

SOCIOECONOMICS

Population

Clark County, which contains 60 percent of the State's population, doubled in size almost every decade since 1940. The County is expected to increase another 322,000 by the year 2000. Aerojet employees living in the Las Vegas area will have no impact due to their insignificant percentage of the projected growth in population and work force.

Rural areas of the Moapa Valley and Pahranagat Valley will be slightly affected by the Coyote Spring project. However, this effect should be considered positive because these communities have experienced declining growth in recent years due to severe mining, railroad, and agricultural cutbacks.

Housing

Due to the extensive development projected in the Las Vegas area (168,000 new dwelling units by 2000), and the high vacancy rate in the rural communities, the Aerojet project is expected to have a positive effect within the surrounding area. Lincoln County has the highest vacancy rate in the State.

Education

Both county school districts affected by this project (Clark and Lincoln) advise they can accommodate the projected growth. The master school plan for Las Vegas is geared to expected growth--of which Aerojet makes up a very small percentage. Due to declining employment, some rural schools are now at one-half capacity.

Community Facilities and Services

All affected urban and rural communities provide infrastructure and community services which are typical to those normally provided by towns of similar size. There is adequate police and fire protection, parks and recreation facilities, and streets and utilities to serve the growth related to the Aerojet project.

Social Conditions and Quality of Life

Preliminary assessment contained within the full report suggests that in-migrating workers would become assimilated within the existing social structure. Aerojet employees and their families who move into the Las Vegas area would be absorbed into the current society, while those who choose a rural community will desire the same values and lifestyle as those of the existing residents. New families moving to the rural communities will be beneficial to local economies which support the desired lifestyle.

EXCHANGE AREA SETTING

Recreation

Outdoor recreation within the exchange area boundary and the immediate surrounding area consists primarily of hunting, camping, sightseeing, rock hounding, and off-road vehicle use. The following outdoor recreation elements are potentially affected by the proposed project: proposed Nevada State Parks, wilderness study areas, hunting, and off-road vehicle use.

Proposed Nevada State Parks: The proposed Nevada State Park, Arrow Canyon State Park, is located within and adjacent to the southern boundary of the exchange area. The proposed park has surfaced as a priority for acquisition because of its significant archeological, geologic, scenic, and paleontological resources.

A boundary conflict exists between the exchange area and the proposed Arrow Canyon State Park. The access and buffer requirements of the proposed state park, combined with the topography, mining claims, floodplain, and wilderness study areas (WSA's), dictate the proposed state park boundary. This boundary conflict is considered a significant impact to the proposed Arrow Canyon State Park.

By adjusting the southern boundary of the exchange area to the north right-of-way boundary of State Route 168, or to coincide with the proposed state park boundary, boundary conflict would be resolved. This will allow access to the proposed state park and maintain the necessary park buffer zones.

Wilderness: Several areas have been designated as WSA's by the USDI-BLM which are located adjacent to and portions within the proposed exchange area boundary. These are WSA No. 050-0201 and WSA No. 050-0215. These WSA's are currently being managed by the USDI-BLM under the policies and guidelines established by the Interim Management Policy of December 12, 1979.

A boundary conflict exists between the exchange area boundary and WSA Nos. 050-0201 and 050-0215. This is a significant impact to both the involved WSA's and the USDI-BLM Interim Management Policy (IMP). Based on the IMP, lands under wilderness review may not be disposed of except under certain conditions under which the proposed project does not qualify. These conflicts can be adequately mitigated by adjusting the project boundary to correspond to the boundaries of the involved WSA's.

Hunting: Hunting, as a recreational activity, plays a role in the lives of Nevada residents. Existing land uses, topography, and limited number of roads limit access to the desert bighorn sheep areas adjacent to the exchange area. Several small game species (i.e., quail, cottontail rabbits, and morning doves) are also found within the exchange area boundary. Specifically, a portion of Pahranagat Wash is a popular hunting area for quail and contains water developments (guzzlers).

Aerojet's proposed land use restrictions present the following impacts to hunting:

1. **Hunting within the exchange area will be eliminated, however, the area with its existing water development (guzzlers) will continue to serve as a prolific quail habitat.**

2. **Access restriction to the exchange area will restrict access to a portion of the Meadow Valley Range and the Sheep Range.**

3. **NDOW's opportunity to recapture water development cost is reduced.**

The access restriction to the Sheep Range will be eliminated with the anticipated exchange area boundary adjustment required for conformance to WSA boundaries. Access to the Meadow Valley Range will be restricted from the exchange area's east boundary, however, access is still available from State Route 168 and Kane Spring Valley Road.

New comparable small game sites can be located and developed. A transplant program from Pahranagat Wash administered by Nevada Department of Wildlife can assist in establishing these new sites. Additionally, Aerojet will reimburse the guzzler development cost for Pahranagat Wash.

Off-Road Vehicle Use: This form of outdoor recreation is growing in popularity. Existing roads and trails are being utilized by off-road vehicle enthusiasts for both competitive and non-competitive recreation. Off-road vehicle use within the exchange area is normally within Pahranagat Wash and Old Highway 93 and Kane Springs Wash.

The loss of the existing trails and roads within the exchange area for off-road vehicle use is not foreseen as a significant impact. This is based on the tremendous availability of available acreage for off-road vehicle use in the southern Nevada area.

A potential benefit exists by restricting off-road vehicle use within the exchange area, as proposed by Aerojet. Vegetation loss, soil disturbance, and wildlife impacts would be eliminated.

PHYSICAL-BIOLOGICAL SETTING

Wildlife

Five key wildlife issues associated with the exchange area have been identified: the desert tortoise, banded gila monster, desert bighorn sheep, Pahranagat Wash habitat and wildlife guzzlers, and protected aquatic species. The existing situation and potential impacts, as it relates to these key wildlife issues and the proposed project, are presented below.

Desert Tortoise: The desert tortoise, a candidate for Federal listing as a threatened or endangered species, is distributed throughout the exchange area in varying densities. Approximately 17,000 acres of Crucial Tortoise Habitat (CTH), representing 20 percent of the CTH of the Coyote Spring Valley - Arrow Canyon (CSV-AC) tortoise population, is situated within the exchange area. The CSV-AC tortoise area is considered one of the most important tortoise habitats in Nevada due to its high density of tortoises and its relatively undisturbed status. The major adverse and beneficial impacts to tortoises are:

1. **81 acres of low density tortoise habitat (LDTH) would be permanently lost, 225 acres of LDTH would be disturbed during construction, and 2,760 acres of LDTH would be enclosed by security fencing. It should be noted that there would be no loss or physical alteration of CTH within the exchange area as a result of Aerojet's proposed facilities site plan.**

2. Increased tortoise mortality resulting from road kills and construction activities.

3. Increased poaching of tortoises.

4. Land use restrictions associated with the +42,000 acre buffer zone would eliminate conflicting land use that exists today and benefit the tortoise.

Project impacts to the tortoise would be significant in specific areas as listed above, but would not constitute a major adverse impact to the CSV-AC tortoise population as a whole.

Banded Gila Monster: The banded gila monster is a candidate for federal listing as a threatened or endangered species and is thought to inhabit the Pahranagat Wash and arroyo habitat of the exchange area. Since Aerojet proposes no development in or near gila monster habitat, there are no adverse impacts anticipated.

Desert Bighorn Sheep: Bighorn sheep inhabit all of the mountain ranges surrounding the exchange area. Within the exchange area, there are approximately 640 acres of bighorn sheep habitat, and one migration route is known to traverse the southeast corner of the exchange area. The major impacts to bighorn would be:

1. Potential increased road kills of bighorn during the migration period due to the increase in traffic associated with the construction and operation phases.

2. Potential abandonment of bighorn sheep habitat in certain areas of the Meadow Valley Mountains due to the increase in human activity associated with the construction and operation phases of the facility.

3. Noise disturbance resulting from rocket motor test firing may induce stress and/or cause bighorn to abandon a portion of their home range within the Meadow Valley Mountains. The significance of this impact is unknown.

Pahranagat Wash and Wildlife Guzzlers: The Pahranagat Wash provides important upland game, small game, and nongame habitat. Approximately 6,500 acres of the Pahranagat Wash is situated within the exchange area. Eleven wildlife guzzlers (i.e., man-made water catchments), nine of which are located in the Pahranagat Wash, were established in the exchange area by NDOW. The proposed project will have no adverse impact to the Pahranagat Wash. These guzzlers will require routine maintenance in order to continue functioning properly.

Protected Aquatic Species: There are four federally listed endangered fishes inhabiting springs and streams within a 40 mile radius of the exchange area, however no species reside on the exchange area. The Moapa dace inhabits the Warm Springs area which is situated approximately 15 miles southeast of the exchange area. A reduction in spring discharge in the Warm Springs area could result in the degradation or elimination of habitat for the Moapa dace. Conclusive evidence that Aerojet's proposed withdrawal of 4,000 acre feet in Coyote Spring Valley would not impact the Moapa dace is unavailable. However, Nevada State Law does provide priority to existing water rights. This being the case, should Aerojet's groundwater withdrawal impact spring discharge in the Warm Springs area, the State Engineer would exercise his authority by reducing Aerojet's use. The U.S. Fish and Wildlife Service issued a Section 7 report in April, 1984, that indicated releasing Coyote Spring groundwater to private use "is not likely to jeopardize the continued existence of the endangered Moapa dace". This opinion was based on Nevada Water Law's protection of prior existing rights.

The Pahranagat roundtail chub, Hiko White River springfish, and the White River springfish inhabit the springs and streams of the Pahranagat Valley which is located north of the exchange area. Aerojet is investigating the development of an alternate water source in this valley. Any proposed use of water from the Pahranagat Valley would have to give due consideration to these protected fish and operate consist with Nevada Water Law.

Private Ownership

Aerojet's proposed land use will retain 94 percent of the exchange area in an undisturbed state, however, various agency personnel have questioned how the exchange area's land use will be managed in the future. It should be noted that Lincoln County, in association with Clark County zoning ordinances and the proposed Environmental Advisory Committee, will provide a mechanism for continued public participation in Aerojet land use practices at the local governmental level.

Water Rights

Past studies of the regional groundwater system that resides within the exchange area have determined a viable water supply source capable of providing Aerojet's water supply needs. This regional aquifer was extensively studied during the MX siting programs and is assumed to encompass 13 hydrologic basins. These studies have identified the river system terminal discharge point at the Muddy River Spring approximately 15 miles from the exchange area boundary.

The Muddy River Springs are decreed rights that must be protected as senior rights. Water right applications by Aerojet within the exchange area are pending action by the State Engineer's Office. Any action by the State Engineer will consider the prior senior rights and probably includes conditional use requirements such as monitoring and pumpage restrictions.

The existence of senior water rights on the Muddy River Springs and the protection provided under Nevada law has been cited as an assurance of the protection of certain endangered species that reside in the spring area. In consideration of this law and its protection of senior water rights, no adverse impacts as a result of Aerojet's proposed project is anticipated.

Vegetation

The exchange area site is characteristic of arid desert vegetation. Many of the plant species demonstrate special adaptive factors which allow for their survival in the harsh, hot and dry conditions. Extensive vegetative studies were conducted under the MX siting programs identified 96 species and 4 major habitats. It was determined no Federally listed threatened or endangered species reside in the exchange area boundary. However, sensitive plants such as cacti and yuccas which are protected under Nevada law are found. These cacti are considered rare and protected from poaching. Other species of concern, as established by the Nevada Natural Heritage Program, may occur on the site, however, their presence has not been documented.

The construction activities would primarily impact the cacti and yucca species because of their abundance throughout the exchange area. These impacts can be mitigated by:

- Prohibiting disturbance inside of established construction corridors.
- Allow the Northern Nevada Native Plant Society to conduct a non-profit harvest of cacti in the construction corridor.
- Revegetate disturbed areas, as proposed by Aerojet.
- Conduct plant surveys during the fall and spring for the identification of other sensitive plants and collect specimens or seeds for propagation or transplanting in suitable areas.

No adverse impact to the vegetation is anticipated by Aerojet's proposed project.

Air/Water Quality and Hazardous Waste

The proposed project will introduce additional air pollution, waste water, and hazardous materials into the exchange area. The air pollutants will originate from vehicle exhaust, land disturbance, and static rocket motor testing. The waste water will originate from boilers, cooling towers, and miscellaneous processes. The hazardous waste will be chlorinated solvents, Freon 113, 1-1-1 trichloroethane, and PEP. Aerojet's compliance with the existing federal and state regulations developed to insure the health and safety of the public, and preservation of the environment, will mitigate these issues. The required federal and state permits will insure the proper control and disposal of air and water pollutants, and hazardous materials is achieved.

CULTURAL RESOURCE

The existing cultural resource data on the exchange area is essentially nonexistent. Information on a regional basis is available that suggests the exchange area was possibly inhabited by the Paiute Tribe in the past. Impacts that may occur as a result of the project activities are:

- Destruction due to project construction.
- Increased rate of resource deterioration due to project activities and personnel.

These activities can be mitigated by use of a Programmatic Memoranda of Agreement (PMOA) which is allowed under the President's Advisory Council on Historic Preservation regulation, 36 CFR Part 800.8. The purpose of the PMOA is to stipulate how and when compliance with cultural resource laws and regulations will be accomplished and who is responsible for compliance with the PMOA. Implementation of a PMOA will insure the required Class I, II, or III surveys, a management plan to appropriately mitigate findings, and reporting is achieved.

Senator **Hecht**. The hearing is adjourned.

[Whereupon, at 11:40 a.m., the hearing was adjourned.]

[Committee note.—Due to the voluminous nature of materials submitted for the record all additional statements and letters have been retained in subcommittee files.]

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